[illegible]

April

20 In Lowndes County, Georgia (on city of Lake Park); William H. Turner (also known Turner), 26 year-old white farm hand, charged with [illegible] placed in jail. Turner was later released for lack of evidence. Upon his release, he was chased from Northwestern County into Lowndes County by a group of white men led by the owner of the stolen cattle, colored. Turner and his boss Turner, Robinson brought suit at the trial of John Milton, the owner of the cattle, indicated that he and Turner were like brothers to an illegal liquor ring.

November

20 Near Lyons, Toombs County, Georgia; Robert Williams, 37 year-old Negro. Charged No charge, except entry of his property at a minimum and removal of refreshing. He was waylaid and shot to death by a group of disguised white men who blocked his road as he was returning home. He died at night, accompanied by his wife and baby and his wife's two young cousins. No is said to have observed the policy of his poor white farm neighbors.

1948

NAME	RACE	CITY	COUNTY	STATE	DATE
William H. Turner	W	?	Coweta	Georgia	4-20-48
Robert Mallard	N	Lyons	Toombs	Georgia	4-20-48

COPIED FROM BOOK 1 PAGE 3

7713

Rankin File

Lowndes County Gives Us The 'Dangle' Treatment

By Allen Rankin

Daily in The Alabama Journal

THE last Sunday, a young Negro lay dead in a highway just east of Hayneville, his skull broken from ear to ear.

He was Henry Gardner, 29-year-old farmer of excellent reputation. Until 1 p.m. Saturday, when he left his farm and walked toward Hayneville three miles away, he had been picking cotton.

Yet, before "day clean" early Sunday morning, three men, among them Lowndes County Deputy Sheriff Luck Jackson, came to the cabin door of Henry's father, Mac. To quote the old man:

"'Is Henry Gardner your son?' Mr. Jackson say . . . 'Well, that boy's dead.'"

Whether the victim was slapped by a truck, a trailer, a baseball bat or what is still a mystery. But at Smith and Gaston funeral home he has not yet been buried. An attendant there said an investigation was being made for "foul play." Dr. J. D. Robinson, of Lowndes, said he had performed an autopsy on the victim at the instigation of L. R. (Buster) Haigler, on whose place Gardner lived.

He said Gardner had been struck a "terrific blow" on the side of the head. If it was a vehicle that hit him he said, it was a very peculiar vehicle.

THESE are the terse and simple facts of news. They are facts the public has a right to know. They are facts any sheriff's office in the nation should furnish newspapers as a matter of routine.

Yet, brief as they are, it has taken three days to get an incomplete fourth of the above facts out of the Lowndes County sheriff's office.

Deputy Luck Jackson, who later admitted he investigated the case and told Gardner's father of his death, originally told this reporter he knew nothing about it. He failed to answer the simplest routine news questions on the incident.

•

The Buzz-z-z-z-z Method

Jackson has perfected a simple but effective way to cut off telephone conversation with inquiring newsmen.

Most parties do this by hanging up the receiver. Not Jackson. Apparently, this conventional procedure is too much of a bother. When the receiver is hung up, newsmen can, and usually do, call right back. This would take more time away from Jackson's domino game.

So to prevent both these inconveniences Jackson just drops the receiver and lets it dangle in the air, until distraught newspapermen (1) give up and forget the whole thing; (2) drive 22 miles to the county courthouse at Hayneville to re-establish the connection.

Jackson is not the only telephone answerer in the office who has perfected the drop-the-receiver method. It was dropped on me three times this week by various parties who answered our long-distance calls. Several months ago, both local and wire-service reporters were given the same silence treatment.

Like I did, they followed plan 2, above, and drove to Hayneville to find out what was up.

•

He Interrupted His Domino Game

I sought out Jackson, a big, stout, florid man with a revolver hitched to his khaki pants.

QUESTION—Is it customary for this office to drop the telephone receiver when it's tired of talking to newsmen?

JACKSON—I thought you was through, and I knew I was.

QUESTION—Where did you go when you walked off and left that thing (the telephone receiver) dangling?

JACKSON (Indicating a little table four feet from the phone)—I come right over here and sat down and finished my game of dominoes.

QUESTION—Don't you think it's the duty of this office to give out at least minimum public information when you're asked for it?

JACKSON—Hell with the papers! That's what's wrong with everything now—papers . . . Writin' about niggers and lynchin' and all that ——— . . That thing you wrote last Sunday about that nigger (Billy Gardner) down here was a lot of ——.

(The word omitted was in no way complimentary to my last Sunday's piece about a 64-year-old Negro farmer who had put nine of his 15 children through college at a cost of $20,000.)

QUESTION—How could you find any objection to that story? It was entirely favorable to the white people of Lowndes County and was written as a credit to them. It pointed out that a good Negro can and does have the full cooperation of the good white people here. It—

•

Still No Bouquets

JACKSON (Repeating his original idea)—I still thing it was a lot of ——.

QUESTION—Was Henry Gardner, the dead boy, related to Billy Gardner?

JACKSON (Getting up to leave)—I don't know. I've told you all I'm gonna tell you. (I later found out the victim was Billy Gardner's cousin). If you want to know that stuff, go ask the niggers themselves.

This paper prefers to get its information from white officers of the law, but this is becoming increasingly difficult.

•

The Sheriff Was Busy

Throughout the whole of this—and it lasted two days and nights—Lowndes Sheriff O. C. Moorer could not be reacher or contacted.

He did call me Friday in answer to my call to him, but I was out of the Journal office. For the three days, thereafter, Moorer has been out of his, and I failed to contact him though I kept a call in for him for the full time.

An Associated Press reporter told me he found Sheriff Moorer very busy and hard to contact when he sought him out to obtain news information about the Negro killing in Lowndes some months ago.

After receiving the receiver-dangle treatment this reporter also drove to Hayneville.

"As I approached Sheriff Moorer's office," he said, "I saw him just leaving. They said he had gone home and I started driving there. But Moorer passed me on the road, coming back in the opposite direction, before I could reach his house.

"I learned he had gone to Ft. Deposit to get his car washed and I drove there and finally found him.

"I started quizzing him about the Negro killing.

•

'Boy, Are You From The South?'

"He listened a while and then suddenly he looked up and said, 'Boy, are you from the South? . . . Well don't you know we don't like folks meddling in things like this?'"

The AP reporter is from the South. I have been from the South since birth, 31 years ago. The Advertiser-Journal has been from the South for 120 years.

We believe a reporter has a right to obtain public information from public offices any time, anywhere—particularly when this information concerns the death of an individual.

We believe such information as is available should be rendered quickly and courteously by public officials.

We regret we were unable to hear Sheriff Moorer's view on this subject but will welcome them at any time he cares to present them.

Lynching (Egyptian)

7710

Egyptian Mob Stones U. S. Citizen to Death

The Constitution Atlanta, Ga.

BY THE ASSOCIATED PRESS

A naturalized American citizen has been stoned to death in Cairo by an Egyptian mob, the State Department announced in Washington last night.

Meanwhile, Israel charged Syria with widespread violation of the Palestine truce and an Israeli spokesman said "the Israel army will consider itself at liberty to attack Syrian army troops wherever they are."

Air raid sirens wailed in Cairo and Tel Aviv last night and a mysterious blast, which Egyptian authorities blamed on an aerial bomb, shattered the Metropole Theater in the Egyptian capital.

In Cairo, attacked by Israeli planes for the first time in the waning hours of the pre-truce fighting, an "enemy plane" was reported to have been sighted over the Almaza airdrome area outside the capital. Anti-aircraft guns were reported to have driven off the plane in the direction of Alexandria.

Victim of the stoning was listed as Stephen Haas, 53, Philadelphia real estate man. He was in Cairo as a tourist, officials at Washington said. He and his wife were set upon near the Cairo citadel Sunday afternoon.

Reporters were told several Egyptian companions of Haas and his wife were badly hurt and that members of a British family also were injured.

Mrs. Haas apparently was not badly hurt.

The State Department's announcement was based on advices from the Cairo Embassy.

The truce, ordered for Sunday night by United Nations Mediator Count Folke Bernadotte, was reported generally effective on the Southern and Central fronts.

The Jews said the Syrians launched a post-truce attack on a hill near the Syrian border in Upper Galilee.

Israeli reports also said Iraqi troops on the Jenin front were firing artillery at Jewish-held Zir'in, north of Jenin, and on Jewish positions at Lajjun.

The Jews said they were battling fiercely against both Syrian and Iraqis.

Count Bernadotte arrived at his headquarters on the Island of Rhodes. Earlier his headquarters announced receipt of Arab League acceptance of the truce order.

U. S. DEMANDS EGYPT EXPLAIN MOB KILLING

Special to THE NEW YORK TIMES.

WASHINGTON, July 27—The Egyptian Government has been asked for an early report on the recent killing in Cairo of Stephen Haas of Philadelphia. The request was made in a note delivered by Jefferson Patterson, the United States chargé d'affaires in Cairo, the State Department announced today.

Mr. Haas was stoned by a mob. Mr. Patterson immediately protested orally and was told that the guilty persons would be apprehended and punished. Nothing has happened since.

Mr. Patterson's note said the United States viewed the killing "with grave concern" and termed it a "most serious incident." His note added:

"My Government is also greatly disturbed over the reports of the unwillingness of certain Egyptian police officers to intervene promptly and effectively in protecting Mr. and Mrs. Haas and of their totally unwarranted and inexplicable efforts to prevent Mrs. Haas from communicating immediately with the American Embassy.

"In view of the responsibility of the Egyptian Government under international law for the protection of the lives and property of foreigners in Egypt, my Government trusts that the prepetrators of the crime have already been apprehended and that they will be promptly punished in a manner commensurate with the seriousness of the crime. It also urges that an investigation be made of the reported dereliction of members of the police force and that appropriate action be taken in their regard."

Georgia Voter Slain By Band Of White Gunmen

ATLANTA, Ga. — One Georgian was dead Saturday and another suffered wounds as the result of incidents in connection with the September 8 Primary voting in Montgomery county, according to reports made to the Federal Bureau of Investigation.

Chief FBI Agent Felts said later that the matter had been reported to the Department of Justice in Washington for action.

The dead man was listed as Isiah Nixon, 31, father of six children. He died at Claxton Hospital in Dublin Friday morning.

He had suffered gun shot wounds of the abdomen, reportedly inflicted at his home when a group of white men attempted to get him off his porch into their waiting car, asking him how he voted in Wednesday's election.

REPORT OF BRUTALITIES

The first report of brutalities in Montgomery county, which adjoins Telfair, traditional home and stronghold of the late Eugene Talmadge and his Gubernatorially victorius son, was brought to Atlanta Friday.

Another person whose name is being withheld said he was beaten for carrying persons to the polls.

Nixon voted early Wednesday morning at the separate polling place and performed his duties as a turpentine worker during the day, going home late in the afternoon. Around sundown, he was standing on his porch when a passenger car drove up quickly and two men leaped from the vehicle, one of them with a shotgun in hand. They demanded that he come off the porch and get into the car, in the meantime asking him who he voted for that morning.

Completely caught off guard and confused, Nixon was trying to answer the rapid fire questioning when a third man jumped from the car, leaped over the yard fence and began shooting. Three pistol pellets entered Nixon's body.

After Nixon fell, mortally wounded, the leader of the group gave what was described as a loud "Rebel Yell", and a large number of armed white men appered from the surrounding woods, raining down shots on the Nixon house. The group drove away.

Nixon remained in critical condition until death came Friday morning.

Montgomery county sheriff R. M. McCrimmon said late Saturday that he was holding Johnnie Johnson, 22 year old white Alson logger on a charge of accessory to murder. M. A. Johnson, his brother, Monday had been held on a charge of murder in the slaying of Nixon.

The sheriff confirmed that the shooting qppeared to be the result of Nixon's insistence on voting in the primary. The Johnson man claimed they went to the house to get Nixon to work and that his brother fired in self defense.

SAYS GEORGIA NEGRO WAS SLAIN FOR VOTING

MOUNT VERNON, Ga., Sept. 11 (AP)—A Negro, the father of six children, was shot and killed because he had insisted on voting in Georgia's Democratic primary election, Sheriff R. M. McCrimmon reported today.

The victim was identified as Isiah Nixon, 28 years old, of Alston, Ga. The Sheriff said the man died in a hospital at Dublin as the result of three gunshot wounds suffered Wednesday night of the election on Wednesday.

Mr. McCrimmon said he was holding Johnnie Johnson, 22, an Alston logger, on a charge of accessory to murder and is seeking to arrest his brother, M. A. Johnson, on a charge of murder.

The Sheriff added he was told that Nixon went to a polling place in Alston Wednesday and asked if he could vote. Nixon was told, according to the Sheriff, that he had the right to vote, but was advised not to do so. He said that Nixon had insisted, however, and was permitted to cast his ballot.

Two Johnson brothers fled after M. A. Johnson fired the fatal shots in front of the Negro's wife and children, according to the Sheriff. He added, however, that Johnnie Johnson had said he and his brother went to the house to get Nixon to work for them and that his brother had fired in self-defense.

Rec.

MACON TELEGRAPH

A Stupid and Atrocious Crime

The sheriff of Montgomery County is authority for the statement that on Wednesday a Negro appeared at the polling booth in the town of Alston and asked if he could vote. The reply was that he had the right to vote but was advised not to do so.

That night, according to the sheriff's story, two white men went to the home where this Negro lived with his wife and six children and shot him. He died the following day in a Dublin hospital.

Two brothers have been arrested. They claim that they went to the Negro's home to talk to him about work and that the Negro was shot "in self-defense."

This newspaper is scrupulous in refraining from any comment which might work an injustice against any defendant who goes on trial, but if the facts are as represented by the Sheriff of Montgomery County, this is one of the most atrocious and stupid crimes ever committed in the State of Georgia. It was not according to the familiar pattern of hanging the man on the limb of a tree, but it was definitely a lynching as anything that could come under that category.

Still assuming that the facts are as related by the Montgomery County Sheriff, we not only deplore this blot on the good name of the State of Georgia but trust that, so far as it is humanly possible, this crime may be atoned for by giving the perpetrator the extreme penalty of the law. If a white man or any kind of a man, can go into the home of a peaceful citizen and inflict upon him wounds from which he dies for the simple reason that he exercised his acknowledged right to cast his ballot, anything short of the extreme penalty would be a mockery.

This crime comes at a time when the racial issue has already been intensified by Henry Wallace's third party, by President Truman's civil rights program, and by Herman Talmadge's "white supremacy" campaign. Northern writers are constantly touring the South to paint us as ignorant and vicious.

We of the South deplore this Montgomery County crime as deeply as would any other decent people anywhere in the United States and only an infinitely small fraction of our citizens ever entertained the thought of such shameless barbarity.

7717

Rec.

Suspect Charged In Death Of Georgia Negro Voter

MT. VERNON—(AP)—A white man has been charged with murder in the slaying of a Negro who was shot to death night of Georgia's primary election, Sheriff R. M. McCrimmon said.

J. A. Johnson is being held in the Montgomery County jail after his arrest early yesterday. The Sheriff said Johnnie Johnson, 22, of Alston, who died in a hospital from three gun shot wounds inflicted on the night of the election Wednesday.

Georgia Negro Slain for Voting; Sheriff Says; White Man Held

Victim Insisted on Talmadge-Thompson Ballot; Wife and Six Children See Him Shot at Home; Prisoner Says Killing Was in 'Self-Defense'

By The Associated Press

MOUNT VERNON, Ga., Sept. 11.—A Negro father of six children was shot and killed because he insisted on voting in the Georgia Democratic primary election on Wednesday, Sheriff R. M. McCrimmon said today.

The slain man was identified as Isaiah Nixon, twenty-eight, of Alston, Ga. Sheriff McCrimmon said he died in a hospital at Dublin from three gunshot wounds received Wednesday night. Sheriff McCrimmon said he was holding Johnnie Johnson, twenty-two, an Alston logger, on a charge of accessory to murder and is seeking to arrest his brother, M. A. Johnson, on a charge of murder. They are white men.

The sheriff said he was told that Mr. Nixon went to a polling place in Alston and asked if he could vote. He was told, Sheriff McCrimmon said, that he had the right to vote but was advised not to do so. He insisted, however, according to the sheriff, and was allowed to cast his ballot.

The sheriff said the two Johnson brothers went to the Nixon home that night and that M. A. Johnson fired the fatal shots in front of Mr. Nixon's wife and children.

According to the sheriff, Johnnie Johnson said he and his brother went to the house to get Mr. Nixon to work for them and that his brother fired in self defense.

The Democratic primary for Governor was won overwhelmingly by Herman Talmadge, who campaigned on a platform of "white supremacy" and opposition to President Truman's civil rights program.

Mr. Nixon died in Claxton Hospital at Dublin, the same hospital in which Mr. Talmadge was confined for several days before the election when he suffered a fractured leg in an automobile accident. Alston is eighty miles west of Savannah and ten miles south of Vidalia.

Masked Mob Atrocity Is Reported

The reported slaying of a Toombs County Negro by four disguised men while his wife, child and two other Negroes looked out helplessly has drawn a Georgia Bureau of Investigation probe at Lyons.

Lyons Police Chief W. M. Bowen said Robert Mallard allegedly was killed in front of a Negro church about 11 p. m. Saturday. Mallard and the other occupants of the car he was in had been attending a church service.

Gov. Talmadge has ordered a stringent investigation of the case by the Georgia Bureau of Investigation.

Witnesses were quoted as telling authorities that four men, "wearing something like white handkerchiefs over their faces," advanced toward the car. The reports said Mallard was shot twice.

Chief Bowen said witnesses reported the men were not wearing white robes. An earlier Associated Press report, quoting Sheriff R. E. Gray, said the men were robed but were not wearing masks. It also quoted the officer as saying the alleged slayers had halted the Mallard car with a road blockade of their cars.

Later the Sheriff was quoted as saying witnesses told him the men were wearing "some white stuff." He was unavailable for comment last night.

Chief Bowen said last night no arrests had been made. He also said no motive had been established.

Mallard's widow is a teacher at a Negro school.

Negro Woman Accuses Man In 'Mob' Death

Georgian Signs Warrant After Protection Is Given

LYONS, GA., Dec. 6.—(AP)—Amy Mallard, Negro, returned to her home today under police protection and signed a warrant charging a white man with murder in the Nov. 20 ambush slaying of her husband.

The widow named William L. Howell, 32, farmer, as one of several men who stopped the Mallard car and shot her husband on a country road at night. She emphasized she was not charging Howell with the actual shooting but said he was in the group.

The widow picked Howell from among six men. The group included five who surrendered Saturday and were held under suspicion but she identified only Howell.

She previously told officers a band of robed white men killed her husband "for no reason at all," and blamed "Ku Kluxers." The Ku Klux Klan was exonerated by county officers.

Two of the five who surrendered Saturday were released Saturday night. The other two, Roderick Clifton, 36, and James Spivey, 24, remain in custody but no charges have been placed against them.

The five said rumors that they would be named by the Mallard woman led them to surrender.

The widow has been hiding in Savannah, 81 miles away, since the funeral of Mallard. She was arrested on a murder charge several days after the killing but was released soon afterward in the custody of her attorney.

She declined to return here and swear out a warrant until afforded police protection, saying she was afraid she would be lynched. Two state officers accompanied her from Savannah.

Associated Press Wirephoto

ARRIVES FOR GRAND JURY HEARING—Ralph McGill, Editor of The Atlanta Constitution, is shown as he arrived at the courthouse in Lyons yesterday to testify before a Grand Jury investigating the ambush slaying of Robert Mallard, Negro. Garland Williams, his attorney, is shown at left.

7685

Lynch Tactics Seen In Near Jackson Slaying

Victim's Sons Lodged In Butts County Jail

By C. LAMAR WEAVER

JACKSON, Ga.—(SNS)—The superficial iron curtain which heretofore shrouded the truth in the slaying of a Negro farmer seeking to defend himself and his family near here last Saturday—crumbled sorefully Friday as first-hand accounts tainted the orgy with lynch tactics.

Stalked at his neighbor's home, the 60-year-old tenant farmer victim, Jesse Jefferson, was said to have been maneuvered into the open and filled by three rifle shots fired by two white men from ambush.

According to reports, Jefferson after being riddled, dropped his gun and groped his way to a nearby shed where he died. One of his teen-age sons, apparently gripped with fear carried his father's gun into the house and opened fire on one of the ambushers who came from hiding and approached the house, it was said.

WHITE MAN SHOT

Shot critically in the chest and arm, the wounded white man was listed as A. G. Wilder, who resided in Henry County—the county adjacent to Butts county where the slaying took place.

Butts county Sheriff J. D. Pope said he arrested two other white men along with Wilder, and booked all three on suspicion of murder. The other two men were listed as Thomas and Hobbs, also of Henry county.

SONS IN JAIL

Two of Jefferson's sons, H. W. and Morris Jefferson, are also lodged in the Butts county jail, booked on charges of assault with intent to murder in the reported shooting of Wilder.

HEARINGS NEXT WEEK

Sheriff Pope surmised that hearings for the Negro youths and white men will be held next week, pending the outcome of Wilder, one of the alleged ambushers. Reports on Wilder's condition from Emory University hospital Friday said he was doing "fairly well."

From information solicited from Jefferson's neighbors, it appeared that the trouble began when two of the white men driving along the highway hurled profane remarks at Jefferson, claiming that he failed to give them enough road space to pass his wagon.

Jefferson and the white men were said to have engaged in verbal duel which developed into a rock battle. Some said that the white men rocked Jefferson and his son atop the wagon and they returned the rock barrage.

For approximately a mile down the road the white men were said to have persisted in following Jefferson and his son, abusing them with caustic threats.

Finally the white men left, it was reported.

MOVES TO AVOID TROUBLE

Returning home and apparently fearful of additional abuse from the white men, Jefferson was said to have taken his family to the home of his neighbor, Johnny Roddy.

Shortly thereafter, four white men armed with rifles were reported to have approached the vicinity where the Jefferson's lived and asked a little Negro boy the direction of his house.

From the trend of circumstances, the quartet spotted Jefferson in the yard of Roddy's home and began to open fire. The Jeffersons and Roddy family including Roddy's sick wife, were said to have scurried into the house under a hail of gunfire. Although they sprawled on the floor of the house, two of the showering bullets grazed one of the youngsters.

Sheriff Pope estimated that around 200 shots were fired between Jefferson, his sons and the mob of white men.

AMBUSHED

Reports claimed that two of the white men alighted from the car and secreted themselves in the bushes near the house. The other two were reported to have driven on to the house, fired a volley of shots and strategically retreated, thus maneuvering Jefferson and his son into the yard.

It was then the cracking rifle fire of the two ambushers was said to have blazed from the unsuspecting foliage, cutting down Jeferson as he stood in the yard.

When Sheriff Pope arrived on the scene, one of the attackers had fled it was said. The Sheriff said the Jefferson boys were armed with a shotgun and a 32-20 rifle, while the white men, Thomas and Hobbs had an automatic shotgun and automatic rifle.

BURIED TUESDAY

Jefferson was buried Tuesday in the two sons in the Butts county jail were not allowed to attend his funeral.

His surviving wife, two other sons and a daughter were reported to have left Butts county Wednesday night for a section in Atlanta known as Lakewood heights.

In the meanwhile, the jailed youths are said to have been provided no legal assistance.

All of the neighbors and even the Sheriff, spoke of Jefferson as a hard working farmer. He had been a tenant of T. E. Robinson for seven years, it was revealed.

One neighbor remarked: "He was as good a farmer you could find in Butts county."

The white men weer described as saw mill workers.

Lynch Tactics Seen In Near Jackson Slaying

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By C. LAMAR WEAVER

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Widow Of Slain Farmer Seeks Refuge In Atlanta

By C. LAMAR WEAVER

"Turtle hunting? If those four white men who cornered my husband and killed him were going turtle hunting —then my husband was the turtle."

That was the simple and indignant rebuff voiced by the 50-year-old widow of Jesse Jefferson after three of the white suspects offered the turtle hunting alibi in an attempt to explain why they were armed to the teeth when they encountered her tenant farmer-husband and shot him to death.

Acting on information which claimed that Jefferson's wife and three of their children fled to Atlanta from Butts county following the ambush slaying of 60-year-old Jesse Jefferson, World attaches scoured the Southwest section of the city for two days before establishing contact with the terror-stricken widow.

Contact was established late Saturday and an interview was arranged for Sunday.

TERROR-STRICKEN

Fearful of mob repercussions at the hands of the bonded suspects or their henchmen, Mrs. Jefferson lowered her head in apparent disdain as she said emphatically:

"I never want to see Butts county again! There's nothing else there for me. I'll never go back and be a slave."

As she spoke, her 21-year-old son John leaned in the doorway staring sympathetically at his mother while nodding approval of her distraught decision.

UNAWARE OF DEVELOPMENTS

She had not seen her two sons, Morris and H. W., since her flight from Butts county on June 16. They were arrested for the alleged shooting of one of the white ambushers who killed their father.

Moreover, she had no knowledge of the commitment hearing last Friday which resulted in their being bound over to the Butts county grand jury on charges of assault with intent to murder. Nor was she aware that two of the white suspects had been bound over on voluntary manslaughter charges in the slaying of her farmer-husband.

She was somewhat astonished to hear that her sons, who were released on a $500 bond following the hearing, had agreed to go back to the Butts county farm where they plan to continue working for the white farm owner T. E. Robinson.

EYEWITNESS TO SLAYING

Herself an eyewitness to the ambush slaying, the widow volunteered her account to the press.

The day Jefferson was killed she said he drove his wagon into their farmyard in a manner which hinted that something was amiss. Jefferson told her he had a run-in with two white men on the highway who cursed and rocked him for what they claimed his failure to give them enough road space for their car to pass, she went on.

She claimed Jefferson armed

White Neighbors Hated Us, Envied Our New Car—Mrs. Mallard

Mrs. Mallard is consoled by her daughter, Doris, in their Savannah hideout.

-U-L-L-E-T-I-N-!

LYONS, Ga.—Still highly nervous but courageous, Mrs. Amy Mallard arrived from Savannah at noon Monday and swore out a warrant charging murder against William (Bud) Howell, white. Mrs. Mallard was accompanied here by Georgia BI Lieut. McDuffie and a State trooper.

Arrest Two Negroes As Accessories In Newnan Death Probe

NEWNAN, Ga.—(SN)—According to Sheriff A. L. Potts, two Negroes are allegedly involved in the suspected slaying of a Coweta county white man, Wilson Turner.

The pair were listed as Robert Lee Gates and Albert Brooks, both charged with accessory to murder.

The murder suspect in the case is John Wallace, a convicted white bootlegger, who is believed to have killed Turner and then burned his body to ashes in a gasoline-drenched pyre that sent flames soaring to 50 feet, scorching branches of surround sweetgum trees. The body is believed to have been burned on Thursday afternoon, April 22. Several gasoline cans were found on the Wallace farm, the sheriff reported.

Five other white persons have also been arrested in the case.

Just what part the Negroes are suspected of play in the alleged murder was not disclosed. They are being held at an undisclosed jail at least a 100 miles from the death scene, reports said.

In an attempt to establish the corpus delecti, investigating officers reported finding ashes of the deceased's body and a few bone fragments.

Tells Why Husband Was Killed by Mob

BY CHESTER L. WASHINGTON

SAVANNAH, Ga.—JEALOUSY and HATE were spiteful silent partners in the terrifying lynching of prosperous Robert Mallard in klan-haunted Toombs County!

This is the crux of the tragic, tear-filled testimony of widowed Mrs. Amy James Mallard, given exclusively to The Pittsburgh Courier when we finally located the terror-stricken school teacher in her hideout here.

Still periodically hysterical from the shock of seeing her husband shot to death, Mrs. Mallard is under a physician's care, and still fearful of what might happen if she has to go back to Lyons to identify the mob suspects.

"I want the whole world to know, through The Courier, the truth about how and why my husband was murdered," she declared.

SUFFERED TRIPLE ORDEAL

Then, steeling herself to reveal her gruesome ordeal of seeing her husband killed, being jailed on suspicion of his murder and then released in the Georgia backwoods to wander around all night in a driving rain, Mrs. Mallard told her story:

"My husband, Robert Mallard; son, John, who is two years old; my cousins, W. C. Carter, 12, and Angelina Carter, 12, and myself were attending a school party to raise funds for the colored school just outside of Lyons, Ga.

"After leaving there we went to another small colored school which was also having an affair. We stayed there about five minutes. From there we started for our home. The trip home required us to pass the Providence Baptist Church, white, on Route 4, approximately eighteen miles from Lyons, and near our home.

NOTICED AUTO SIGNAL

"As we were driving toward home, I noticed a car parked on the side of the road. Suddenly we noticed that the lights of the car were going on and off, as if it were a signal. This was about 11:15 P. M. on the night of Nov. 20.

"After we passed the car on the side of the road, it started following us. Near the Providence Church, in order to go around it, there is a sharp turn which makes the driver of a car almost come to a standstill to make the turn.

"When we almost came to a standstill, we were surrounded by a lot of men in white robes. Their faces were not covered. When they stopped us, the car that had been following us rammed into the back of our Frazier.

"The whites who had surrounded us—about a dozen of them—pulled guns and hollered: 'Raise your hands! Then they started shooting. I recognized two of the killers. I could see their faces. Bullets

"They took my car away from me. And I had to wander through the woods in a driving rain.

"WHITE WASHING" CLAIMED

"They only want to cover up their own dirt!" she exclaimed bitterly. "I want you to tell the whole world my story through The Courier," she repeated.

Here's how she ... ENVIED ... some of the white ... slurring remarks ... that fine new car ... the white school ... the children called ... "Some of the ... were jealous of ... went to college and ... didn't. They hated ... "My husband told ... had warned him ... ter not vote. He ... semitch as they ... vote."

DENIES DAILY'S STORY

Emphatically ... kill him if he ... circulated in some ... daily newspapers, ... clared that her ... husband ... up ... in the ... RECOGNIZED TWO"

7686

Husband Killed By Ga. Kluxers, Teacher Sobs

Pittsburgh, Pa. 27a

Sat 12-4-48

Pittsburgh, Pa.

B-U-L-L-E-T-I-N-!

SAVANNAH, Ga.—A Georgia Bureau of Investigation agent told newsmen Monday that Mrs. Mallard was released Saturday in order to witness the burial of her husband.

27a

By CHESTER L. WASHINGTON
(Courier Associate Editor)

LYONS, Ga.—Is blood-drenched Georgia desperately trying to cover up another infamous lynching?

Mrs. Amy James Mallard charges that her husband, Robert, 37, was set upon and shot to death by hooded Klansmen near here Saturday midnight, Nov. 20.

But the Georgia Bureau of Investigation, assigned to the case by Governor Herman Talmadge, white supremacy leader, arrested Mrs. Mallard as a suspect in the killing.

The bureau then released her—without requiring bond.

Local residents are now asking why Mrs. Mallard was arrested and charged with the murder.

MRS. AMY MALLARD
. . . spent night in woods

They also want to know, if the charges against Mrs. Mallard have any substance, why the GBI released Mrs. Mallard without requiring bond and without withdrawing the murder charges.

In the light of obvious efforts being made to shift responsibility for the crime from whites, investigators here have raised the question as to whether or not Mrs. Mallard is being framed, or used, to divert attention from white responsibility.

These and other questions filled the air with mystery and suspense as officials of the Georgia Bureau of Investigation maintained a tight-lipped silence in their probe of the slaying of prosperous Robert Mallard on a lonely country road.

Less than ten miles from where Isiah Nixon was shot down in cold blood in the presence of his wife and six small children a few weeks ago, a band of hooded white men drew up a roadblock, according to Mrs. Mallard, widow of the slain man, and stopped their car.

The ambushers then shot her husband to death as she and her baby, and two young companions looked on in terror, Mrs. Mallard said. The band was reportedly made up of from fifty to seventy white men.

That was near midnight on Saturday, Nov. 20.

It was not until Tuesday afternoon, Nov. 23, that news of the ambush-killing reached the outside world, and then under most peculiar circumstances.

On that afternoon, a Macon, Ga., paper broke the story to the outside world that another murder had taken place in the Telfair zone—traditional home of the Talmadges at McRae. It is reported that the Macon paper had secured its information through a "tip" from a Macon lawyer—who, in turn, had gotten a "tip" from New York City, it is understood.

Rising quickly to keep Georgia's "white supremacy" escutcheon as clean as possible, two significant developments came to the fore.

Sat 12-4-48

Toombs County Sheriff R. E. Gray disputed Mrs. Mallard's charge that hooded Klansmen had committed the murder and two separate offers of $500 rewards were posted by white Georgians. One was for anyone who could prove that Mallard was killed by white men; the other was offered for the "arrest and conviction" of the killers. This was an anonymous offer and was left with Editor Ralph McGill of the Atlanta Constitution.

But, with startling suddenness, officials of the GBI—ordered into action by Governor Herman Talmadge—arrested Mrs. Mallard at the funeral of her husband and charged her with his murder. They reportedly found a .32 calibre pistol in her car. The Courier was advised that the gun was loaded when found.

However, advices from Jacksonville reached The Courier this week that photographs had been made of the murder car and that these photographs showed a bullet hole in the windshield, placing grave doubt on any possibility that Mrs. Mallard could have shot her husband since she was inside the car with him and holding their eighteen-month-old baby at the time.

Then, again with startling unexpectedness, on Saturday night, the GBI released Mrs. Mallard, who turned up in Savannah, Ga., where she told her story to reporters.

She related how she was released by the GBI nine hours after her arrest, without bond, into the custody of one of her attorneys, Willis Pope of Lyons.

Bedraggled and thoroughly terrified, Mrs. Mallard told how she had spent most of Saturday night hiding in a thick woods, protected against a heavy downpour of rain by only a thin raincoat. Her attorney had driven her to the home of friends at Reidsville after her release because she was fearful of violence in the Lyons area. She was to get a bus from Reidsville.

Mrs. Mallard said her release came when she positively identified one member of the mob which she said killed her husband. She also said she identified another man's automobile as one which was at the scene where he was killed. Both the men she named are white.

Two other young people were in the Mallard car at the time of the slaying, William Carter, 18, and Emma Carter, 13, his sister. They were taken into custody, along with Frank Brinson, identified as a white farmer, as material witnesses.

Officials of the GBI refused to make any comment early this week on the progress of the case or further developments, and it is understood that the GBI has taken full charge of the probe.

Two Indicted In Toombs Lynching

Atlanta Georgia

FLASH!!

Two men; William L. (Spud) Howell, 52, and Roderick Clifton, 36, were indicted by a Toombs county grand jury Friday, following a day-long probe into the November 20 lynching of Robert Mallard, prosperous Negro salesman near Lyons, Georgia. The men will be tried January 11. A third man, James Spivey, also held in connection with the lynching was released by the jury.

BY MARION E. JACKSON

LYONS, Ga.—(SNS)—Mrs. Amy James Mallard named four additional men Friday in connection with the murder of her husband, Robert E. Mallard, when she testified before a special grand jury had heard in the Toombs County courthouse testimony of Angelina Carter, William Carter, and Emma Carter, and Editor Ralph McGill of the Atlanta Constitution.

It is believed that Mrs. Mallard's testimony came late in the evening when she was recalled to the jury room for additional information regarding the death of her husband who was ambushed on a lonely road November 20.

Earlier the grand jury had heard testimony of Angelina Carter, William Carter, Emma Carter, and Editor Ralph McGill of the Atlanta Constitution.

It is believed that Mrs. Mallard told the grand jury that the lives of the Carter children, cousins of Mrs. Mallard, were threatened if they voted in the recent general election. Mrs. Mallard's testimony came late in the evening when she was recalled to the jury room for additional information regarding the death of her husband who was ambushed on a lonely road November 20.

Mallard, were in the death car at the time Mallard was slain by robed killers as he returned with his family from a school social.

Mrs. Mallard, escorted by representatives of the Georgia Bureau of Investigation, arrived in Lyons only a few minutes before the jury began its probe. The Atlanta Daily World correspondent and other reporters, representing the Negro Press accompanied them to Lyons. The small court House was crowded to capacity. Approximately 40 or 50 cars surrounded the building and about 40 overall clad men lounged in the doorway. On hand with this group was a large contingent of news reporters, photographers, witnesses and spectators. There was no undue excitement, however. The group eyed Mrs. Mallard coolly and silently.

Sat-13-11-48

WITNESSES SUMMONED

The witnesses were questioned by Solicitor General W. H. Lanier. The jury was impanelled by Judge R. H. Humphrey, of Swainsboro, who presides over the Middle Georgia Judicial circuit. The jury Foreman is J. B. Worthen.

In jail were Roger Clifton and James W. Spivey, who voluntarily surrendered when rumors linked them with the slaying.

Angelina Carter and William T. Carter told their story to the jury regarding what happened. They were in the widow's party which made the trip from a hide-out in Savannah. Movie cameras whirled away as the party entered the Toombs, county courthouse.

The appearance of Ralph McGill created a major stir. News reporters were unable to learn upon what basis he was called to testify. Mr. McGill has consistently criticized the inaction of enforcement officials to probe the two-weeks' old lynching. He is also an intermediary for an alleged Lyons, Georgia "Wool Hatter," who is reported to have given him $500 to hold as a reward for the capture and conviction of the perpetrators of the crime. Upon his arrival, Mr. McGill made public a letter, charging that three Negro houses were burned down several days after the Mallard lynching. The letter, presumably written by a Negro, read: "We are scared. Last Tuesday night, John Baker's place was burned up. Last night two more colored places were burned. W. M. Lockey and Mose Brazois places on the same street. They say we are to close to the white folks.

BURNINGS CITED

We have lived here for years and we do not have no place to go. We do not know what to do. We have no rights. Help us, if you can. God knows we do not bother the white folks.

Other witnesses besides Mr. McGill, who was retained by the jury approximately 40 minutes or more, included Frank Brinson, white neighbor of the Mallards, who was the first person to arrive at the lynching; Reno Tapley, Negro operator of a Lyons funeral home and Sgt. J. W. Robertson.

The day-long hearing was drifting to a climax when Mrs. Mallard was summoned again to the jury room. Then came the widow's startling testimony that four men had threatened their lives if they voted in the Presidential election. She said they did not vote, but insisted that illness alone prevented them from doing so. She named the men who had made the threat. The grand jury recessed at once. Sheriff R. E. Gray was instructed to summon the men to appear at once before the jury. The sensational development threw the hearings into an uproar. Hearings will be continued today.

Sat-13-11-48

The jury investigating the case is as follows:

H. B. Worthem, Foreman; B. H. Achenback, J. A. Gardner, Elisa Taylor, Claude Odam, Jim H. Banks, Joe Page, M. E. Clifton, Jack C. Meadows, Clark Jessup, C. J. Spell, T. C. Savage, N. H. Hart, ack Brown, J. P. Pughsley, R. B. Harrison, Lamar Jones, J. A. Pughsley, Willie H. Williams, W. H. Jones, J. P. Love, H. B. Estroff, C. P. Knight, T. G. Varh, O. H. Gibson, L. L. Sharpe and D. R. Gordy.

Joseph M. Goldwasser, Cleveland Ohio department store owner did not appear. He had intervened in the case in behalf of Mrs. Mallard. He was not subpoenaed.

Talmadge Asked To Act Against KKK

(By Atlanta Daily World)

Atlanta, Georgia

Former Governor M. E. Thompson put the issue squarely to his successor, Governor Herman Talmadge Friday when he called for outlawing the Ku Klux Klan in Georgia on the heels of a lynching ascribed to robed men last Saturday night.

The victim, Robert Mallard, was fatally shot when he and his family were leaving Providence Baptist Church in Vidalia, Georgia.

THOMPSON'S STATEMENT

In a telephone conversation to a local newspaper Mr. Thompson reportedly said:

"On Thanksgiving Day in Georgia the newspapers carried headlines telling of the murder of a defenseless Negro in Toombs county by a band of robed and masked white men.

"On a day when Georgians should have been lowering their heads with prayers of Thanksgiving for many blessings, they were compelled to hang their heads in shame over another masked outrage.

"As a citizen of Georgia, I call upon Dr. Sam Green to immediately disband his organization and to repudiate its principles of lawlessness and hatred.

"As a citizen of Georgia, I call upon Gov. Herman Talmadge to give the people of Georgia his assurance that in his first message to the Georgia General Assembly in January, 1949, he will ask the legislators to outlaw the Ku Klux Klan in Georgia."

Sat-11-27-48

Meanwhile, no light has been shed on the identity of the cowardly slayers, Toombs county Sheriff R. E. Gray asserted.

From Governor Talmadge came the report that there might be some startling development in the slaying shortly. He had ordered an investigation into the lynching by the Georgia Bureau of Investigation.

Sat-11-27-48

TUSKEGEE REPORTS

Reports from Tuskegee Institute claim that the Records and Research Bureau there is tentatively considering the crime as a lynching. Mrs. J. L. Guzman, director of the Bureau which compiles data on mob violence, said unless evidence to the contrary of that already received is forthcoming, by Dec. 31, Mallard's death will be recorded as a lynching.

In what many observers construe to be an evasion of reported facts, the Toombs county sheriff came up with a speculation that perhaps Negroes were the slayers.

The sheriff based his speculation on claims that Mallard had several enemies among his race because of his "biggety attitude."

The sheriff's speculation was received with a high degree of mockery with claims that Negroes, guilty of the slaying, wouldn't need the cover of conspicuous sheets to hide their identities, especially in the dark.

Many felt that if and when the linen is washed and the killers are determined, soiled bedsheets closely associated with cross burnings were used to hide white faces of a nefarious order.

Moreover, others see it as an alleged ruse whereby relief of unbearable pressure is sought by diehard white supremacists who find themselves tied to the mast of a sputtering civil rights opinion expected to explode when the 81st U. S. Congress convenes.

7687

RALPH McGILL

A Community In Great Distress

LYONS—Here in the typical rural courthouse, smelling of law books and old files, with pick-up trucks, Fords, Chevvies and occasional larger cars parked about it, a special session of the Grand Jury met to consider the Toombs County killing, or murder, of a Negro by a shot reported by witnesses to have been fired by one of three white men who left a group of six or eight and walked up to the car.

There was no atmosphere of tension. There was the atmosphere of resentment such as any community feels in cases such as this. All the clannishness of neighbors and friends comes out and barriers are raised against the discussion of it. They know the killing does not represent the attitude of the county and the fact that criticism comes from outside sources puts up their backs. The community generally, while sincerely distressed, quite naturally begins to weigh its own good deeds and intentions against the evil thing that has happened, and to wonder why the good is ignored by the critics. Local officials are embarrassed and harassed by the acts of old friends and neighbors and politically powerful families and it is diffcult for the level-headed to keep things in balance.

Public Relations What happened here in the handling of the case was unfortunate. The sheriff was reluctant to talk to reporters. That always is an error. Had there been a free and open discussion and a statement that everything was being done that could be done, many of the painful conclusions reached by the public would have been avoided. The sheriff, quite understandably, was not experienced in dealing with newspapers. Nor were his associates. His statement that perhaps the Grand Jury would take the matter up in the next session, a month from now, and that meanwhile he could not issue any warrants, gave to the nation the impression that nothing really was being done and, furthermore, that there was not much interest in doing anything.

This was complicated by the most harmful single statement of all. News agencies quoted a local newsman as saying that he took it to be "just another nigger killing," and that he didn't intend to print anything about it. This was generally misinterpreted as a callous attitude representing the feeling of the community. His statement, given wide circulation, was the most damaging publicity his community received, whatever his later attempts to blame outside "meddlers."

Sheriff's Case On the scene you find the sheriff to be an almost shy, retiring personality, who insists, with apparent sincerity, that he was up against witnesses who wouldn't talk and who were afraid to co-operate with the law. The Georgia Bureau of Investigation works under the sheriff and cannot take the lead. He simply talked as little as possible and the GBI more or less followed his lead. That gave the further impression local officials were attempting to cover up and were reluctant to act.

Moreover, once all known witnesses to the crime named those allegedly involved, the sheriff took the peculiar position that he had no authority to swear out warrants.

The case was still further complicated by the fact the man who was murdered was unpopular with most of the Negroes in his community. Officers point to this as one reason why the case was not announced publicly for about four days. They state that they were trying to break the case and didn't want to announce any findings or lack of them. This, however, was most harmful and could have been avoided by a simple statement that a killing had occurred and was being investigated. As it was, this was another factor in creating the impression that nothing much was being done about it.

Grand Jury I was called before the Grand Jury. I found the Jury to be composed of sincere men who apparently were greatly upset by the publicity, much of which they thought had been prejudiced. In my opinion they will go all they can to get at the bottom of it. It was my impression after about 45 minutes with them that were perfectly determined to vote an indictment if they [illegible] evidence. I was called, apparently, to know if newspapers had been able to uncover anything they didn't know but, according to members of the Jury, chiefly to let me know that a determined effort was being made and that instead of wanting anything covered up, the contrary was true. This I believe of the Grand Jury.

The community in which the killing occurred is probably the most prosperous one in the county and has no previous record of trouble between the two races. But the fact remains that a murder was done. The dead man did not commit suicide. The community buzzes with talk that the idea on the night of the killing was not to kill the man but to frighten him into leaving the county. The talk runs on that one of the three men reported as walking up to the car lost his head and through excitement or belief the Negro had a pistol, fired the shot that killed the man. The community buzzes, too, with talk about a permit for a new pistol taken out on Monday following the killing on Saturday night by one of those who voluntarily surrendered.

Blow The fact also remains that Georgia and the South have suffered a damaging blow which has hurt the South in the controversies sure to be put in legislative form before the next Congress. The United States has been hurt in propaganda sent by her enemies to the people of other countries. It also is apparent that, despite charged errors, it was newspaper publicity which kept the case alive and prevented it from being delayed.

And the inescapable deduction remains that had it been a white man who was killed in such a manner, posses, bloodhounds and every agency of the law would have been used and kept in action until results were obtained or all chance or solution lost. The South will be hurt and continually vulnerable until it learns that the law must be supreme over good family connections and must apply equally to all citizens.

Sat-12.11-48

Mrs. Mallard Tells Lynching Motive

SAVANNAH, Ga. — Jealousy of her husband's success as a farmer and salesman by their poorer white neighbors was the principal motive for the lynching of her husband, Mrs. Amy J. Mallard, a school teacher, implied here last Friday in a statement to the press.

Sheriff R. E. Gray who tried to absolve the Klu Klux Klan which Mrs. Mallard charged killed her husband, claimed that the enterprising farmer was "mean and biggity," and that he was "disturbing services" at the white Providence Baptist Church which adjoins the Mallard farm.

Ordered Cars Moved

But others familiar with the long feud between Mallard and his envious white neighbors allege that the lynching was hatched after the farmer had demanded that cars parked in front of the church by the parishioners be removed because they were blocking the road to his home.

Mrs. Mallard said the mob ambushed the family about midnight on Nov. 20 near the church grounds when she and her husband, their two teenage children and their baby were returning from a benefit program sponsored for the school where she teaches, to purchase seats and desks.

Farmer Asked for Change

She reported that the only unusual incident during the program, which featured a box supper, was when a white farmer named Moore asked for some change from her to pay his farmhands for their week's work.

Since the change she had was just enough to meet the demands of patrons at the supper, she told the farmhand sent by his boss to get the change that she could not accommodate him.

The white farmer sent back to find out if Mrs. Mallard's husband was there, and if he was, to find out if he had change.

Mrs. Mallard then made this inquiry of her husband who was sitting in their new Kyser-Frazier automobile parked on the grounds, but he could not accommodate the white farmer either.

Health Impaired

Mrs. Mallard said she does not know whether the farmhands were paid.

The tragedy has wrought such havoc with her health that she became hysterical each time she spoke about the lynching.

Car Tampered With

At one point in the interview she wanted to know why she received a bill for repairs to their car.

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She said her lawyer in Savannah gave her a receipt for funds paid Mr. Polk, her lawyer in Lyons, so that he could in turn pay the repair shop there.

The widow pointed out that she did not authorize anyone to do any repairs on her car, and was informed that she could get it by sending a legal representative to Lyons.

May Have Held Evidence

Why the car was taken to a repair shop, after it was seized by the Georgia Bureau of Investigation when Mrs. Mallard was arrested in Savannah, has aroused speculation as to whether evidence of fingerprint marks has been removed.

Mrs. Mallard said her teen-age children who were also taken into custody have been released and are staying at a home in Ly[illegible].

The records in the courthouse at Lyons show that Mrs. Mallard is the sole owner of the car, their farm—which has been in her family since her childhood—and their home.

Georgia Editor Hits One-Way Southern Law

McGill Says Authorities May Let Negro Slaying 'Blow Over'

ATLANTA, Dec. 2 (AP)—Ralph McGill says the nation cannot understand the delay in apprehending the slayers of a Negro in Georgia.

McGill, editor of the Atlanta Constitution, devoted his editorial column today to the issues involved in the recent murder of Robert Mallard at Lyons, Ga.

McGill said:

"Here of late it has been possible to see, and feel a turn in the national concept of the Southern racial problem . . .

"But now comes the murder near Lyons, Ga. A Negro was stopped by a road block. A shot was fired through the wildshield, killing him in a wanton, cold-blooded manner. His wife and other witnesses have identified at least one of the men.

"But what happens?

"Nothing at all. No one is arrested. The murder was more or less suppressed for four days. There is good reason to believe that had the newspapers not dug it out—and the Associated Press deserves a good hand for its job—no legal action would have been attempted by anyone concerned.

recognized the [illegible] lawyer by impersonating two white men for trapping two Negro women, and a week later by indicting two other white men for the lynch murder of a "biggety" Negro.

The indictment was returned by a wool-hat county grand jury after powerful pressure was exerted by Ralph McGill, editor of the Atlanta Constitution.

[illegible] made for it . . .
[illegible] simply cannot say to the [illegible] that we will work out our complex problem honestly and [illegible] let alone and then allow a thing as this murder to be [illegible] as it has been—and is [illegible] handled."

GEORGIA RELENTS

ATLANTA (INR correspondent)

Eighty-four years after Sherman's [illegible]

tution and contributor to the *New Republic*. The men charged were Roderick Clifton and Spud Howell, both prominent and politically influential in Toombs County.

Amy James Mallard, the widow, positively identified them as the slayers of Robert Mallard, a prosperous salesman who was shot to death because some people in Toombs County thought he was getting too high for a man of his race. Other relatives confirmed the identification, but one, a young cousin of the murdered man, was reported to have developed some doubts after a few days in Sheriff R. E. Gray's "protective custody."

Sheriff Gray was apparently reluctant to take any action calculated to offend the suspects' families and local prejudice. The usually efficient Georgia Bureau of Investigation was unable to make much headway.

News of the crime did not leak out until three days after the night, November 20, on which it happened. And then it came by way of NAACP headquarters in New York. The Atlanta and Macon papers headlined the story and kept it alive. As a consequence, Georgia's new Governor, Herman Talmadge, apparently anxious to live down at least some of the stigma of his late father's race-baiting, not only sent the GBI to Toombs with orders to track down the guilty "regardless of who or what color they are" but also prodded the investigation by telephone daily. Even so, little progress was being made and there seemed every likelihood the affair would blow over, after all.

Then McGill wrote an editorial in the *Constitution* demanding a special grand jury to consider the evidence. The sheriff had said he supposed "any evidence" would be submitted to the regular February grand jury.

"Here," wrote McGill, "is the perfect illustration of why the South too often is presented to the nation as a region which flouts its own laws and is not interested in applying the penalty of law to killers if the dead man be a Negro. People have a right to ask why the whole power of the law-enforcement officers of the county was not thrown into the case; why the dogs were not out; why a posse was not organized. This is America, a nation built on law. The law-enforcement policy in this case has hurt the South badly. There is no escaping that fact. And there is no excuse that can be made for it."

The Associated Press carried McGill's thousand-word indictment almost in full. The Toombs County grand jury then reassembled, set a date for a hearing and issued a subpoena for McGill.

McGill gave the grand jury the most comprehensive and unbiased account of the crime it received. He made available to them not only all the facts revealed by the *Constitution's* reporters, but also reports from special investigations conducted by the Southern Regional Council and the NAACP which certainly would not have got into the grand-jury room otherwise.

McGill was before the jury 45 minutes, longer than any other witness, including the widow of the slain man. He not only gave it plenty of evidence but also an impassioned plea to see justice done. In addition, he left it with the warning that, if it failed to act, federal intervention could be expected in the case under the US Code section making it a crime to "go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise of enjoyment of any right or privilege so secured."

The betting was twenty to one, before McGill put in his appearance, that the grand jury would take no action. But, the odds dropped steadily as the hearing, expected to last an hour and a half or two hours, ran on into the night. Finally, after more than ten hours, the jurors emerged with true bills.

Clifton and Howell will be tried at a special session of Toombs Superior Court, which has been set for January 11. They have retained virtually all the county's leading attorneys to represent them.

Grand Jury Ready for Toombs Case

BY PERRY MULLEN

LYONS—(AP)—The roadside killing of Negro Robert Mallard, termed a lynching by some, comes before a special Grand Jury today.

Governor Herman Talmadge said the case had been seized upon in a "campaign to destroy states' rights, not only in Georgia but in all of the 48 States, through the civil rights program."

The killing attracted wide attention after refusal of local and State officers to issue warrants immediately against men named as the killers by Mallard's widow.

Tuskegee Institute in Alabama termed Mallard's death a lynching. Amy Mallard, the widow, said five or six men, wearing robes but unmasked, halted the Mallard car late at night on Nov. 20 and shot her husband "for no reason at all."

She blamed "Ku Kluxers" but County officers absolved the Ku Klux Klan. The officers said they lacked sufficient evidence to make arrests and contended it was up to the widow or two other Negroes in the car to swear out warrants.

Ralph McGill, Editor of the Atlanta Constitution, who severely criticized Toombs County officers for what he termed their "reluctance" to act, was subpoenaed to appear before the Grand Jury.

Officers declined to say why McGill was summoned in the case. In his editorial page column last week McGill said it was doubtful if legal action would have been attempted by anyone if newspapers had not dug out the story.

"It is such a travesty on justice and the operation of law that the Russians use it in their newspapers to say to their people that in America a man may be murdered because of his race," the Editor wrote. "It is such an obvious reluctance to apply the same vigor to bring a killer to jail as would have been applied were the dead man a white man that the next Congress will surely pass some sort of anti-lynch legislation."

Mallard, a casket salesman, was buried in Savannah. After the funeral his widow was charged with murder but was released without bond in the custody of her attorney, Sheriff R. E. Gray, of Toombs County, at first said the case would be turned over to the regular February session of the Grand Jury.

The widow had declined to return here and swear out warrants, declaring she was afraid she would be lynched. Her story attracted attention of Joseph Goldwasser, Cleveland Ohio department store owner. He went to Savannah and obtained power of attorney from the widow to act in the case.

She gave Goldwasser a statement naming two men she said were among the group that shot her husband. Goldwasser took the statement and other documents to Gov. Herman Talmadge in Atlanta. Included was a letter written on stationery of the Cleveland Chapter of the National Association for Advancement of Colored Pebple. It said the case "is further evidence of the continued need for a Federal antilynch law." The letter was unsigned.

Goldwasser said he was acting on his own and not for the NAACP.

Talmadge forwarded the widow's statement to Toombs County Superior Court Judge Robert H. Humphrey who called a special Grand Jury session to investigate.

But the Governor told Goldwasser: "If this had happened in your home town of Cleveland, it would have been forgotten in a day. It is unfortunate that it happened in Georgia and has been seized upon by the hostile press in its campaign to destroy States' rights not only in Georgia but in all of the 48 States, through the civil rights program."

After the widow's statement was given to Talmadge, rumors circulated here concerning identity of the men she named. Five men voluntarily surrendered to Sheriff Gray last

The widow consented to return here and view the men, if given police protection. Two officers accompanied her here. She picked out one of the five, William L. Howell, 32, a farmer, as a member of the group that shot Mallard. She signed a murder warrant against him but said she was not charging him with the actual shooting.

Two of the five had been released when she returned but were in the line-up. The other two, Roderick Clifton, 36, and James Spivey, 24, remained in custody pending the investigation today.

T. Ross Sharp, attorney for the men, said all five denied any connection with the shooting.

Klan Link Disclosed By Defender

LYONS, Ga. — A special Toombs county grand jury indicted two white men on Friday on charges of the murder of Robert Mallard, who was lynched by a mob on November 20. Both men will stand trial for first degree murder in a special court term set for January 11.

Mrs. Amy Mallard, widow of the murdered man, was the chief witness before the grand jury, and positively identified one of the defendants, William L. Howell, 32-year old white farmer, as one of the crowd of robed men who fired on her husband through the windshield of his car, killing him instantly.

Mrs. Mallard identified the car of Roderick L. Clifton as the one which blocked the road on the night of the lynching as she and her husband and two young relatives were on their way home from a church social.

Involve Ku Klux Klan

Clifton was also indicted and must stand trial for the murder. Both men are rumored to be "storm troopers" for the local Ku Klux Klan, which dominates the politics and civic life of Toombs county.

Mrs. Mallard was brought back to Lyons to swear out a warrant for Howell's arrest with a police escort furnished by the Georgia Bureau of Investigation under direct orders of Governor Herman Talmadge.

She was returned each night after her testimony before the grand jury to Savannah because she expressed fear for her life if she remained in her home town overnight.

As evidence of the temper of the white community over the trial, two Negro places of business and two Negro homes have been burned at night since the lynching was first reported.

Investigation at the scene of the murder by a Chicago Defender reporter revealed additional evidence to tie the lynching to the local Klan. A special meeting of the Klan, which both Howell and Clifton are reported to have attended, was held on the night preceding the lynching.

Second, Sheriff R. E. Gray, who held up the report of Mallard's

and promised that all per- federal anti-lynching legislation.
found to be connected with Mrs. Mallard, who has announced
killing of Mallard will be ed her intention never to return
ched. The 300 Negro residents to live over, has taken steps to dispose
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ers in hope that it will stem

7688

Whitewash of Mob Case Is Predicted

(Special to The Courier)

LYONS, Ga.—Georgia's leading citizens of both races are predicting that even if murder indictments are returned in the shocking lynching of Robert Mallard, no one will be convicted.

Meanwhile, grief-stricken Mrs. Amy James Mallard, widow of the prosperous cast saleaman who was shot to death by a masked mob on Nov. 20, was due here from Savannah Monday to swear out murder warrants.

Georgia Bureau of Investigation Lieut. J. E. McDuffie did not say how many would be named in the warrants. Earlier, however, the school teacher-widow had asserted in a statement to The Pittsburgh Courier that she could identify two of the white-robed slayers.

JURY TO MEET FRIDAY

The surrender of five white men and the re-arrest of two young colored witnesses came immediately upon the heels of a call for a special session of the Toombs County grand jury to investigate the slaying. The jury session was called for Friday, Dec. 10, at 10 A. M.

The jury call was issued by Superior Court Judge Robert H. Humphrey of the Middle Georgia Judicial Circuit in Swainsboro who had received photostatic copies of letters written by Mrs. Mallard naming the two men who allegedly killed her husband. The evidence was sent to Judge Humphrey by Governor Talmadge.

A development which might have bearing on the case came Monday when W. T. Carter, one of the passengers in the car when Mallard met his death, told reporters that he could not identify the killers.

"If I knew who those men were, I'd sure tell Mr. Bob (meaning Sheriff Bob Gray) about it."

His sister, Angeline, 13, also claimed she did not recognize the killers. They were still obviously frightened over the mystery slaying.

HID HIS HEAD

Explaining that they saw "seven or eight," Carter declared:

"I saw the guns they had. And I hid my head. I didn't know what was going to happen. I was scared."

He told how the Mallards were halted at a roadblock by at least one car and that "seven or eight men wearing something like white robes surrounded our car."

HAD A GUN

Carter said the white "things" the men were wearing appeared to have been hoods. Each man's face was visible and each had a gun, he recalled.

He explained that when the group surrounded the car he hid his head.

Lieutenant McDuffie said that he and a Georgia highway patrolman would bring Mrs. Mallard here.

Capt. Delmar Jones, head of the Georgia BI, said Sunday that two State troopers would be sent along to protect the widow when she comes here to swear out the murder warrants.

THREE WHITES HELD

Meanwhile three white men and two Negroes were being held in the Toombs County pail here in connection with the case.

The whites were identified by Toombs Sheriff R. E. Gray as Roderick L. Clifton, 32; William (Bud) Howell, 24, and James W. Spivey, 27.

Sheriff Gray said they surrendered to him voluntarily Saturday night "because we heard you were looking for us."

Two other white men surrendered at the same time. However, they were released from custody last week-end. The sheriff identified them as Barney Sikes, 36, and his brother, Herschel, 33.

No charges had been placed against the white men up to Saturday night. Sheriff Gray told reporters Sunday that they would not talk "except through their attorney."

The two Negroes being held are W. T. Carter, 19, and his sister, Angeline, 13. They were passengers in Mallard's car the night the star salesman was slain. They are being held as material witnesses.

OHIOAN SEES GOVERNOR

When Joseph M. Goldwasser of Cleveland, Ohio, who says he is investigating the case on his own initiative, went to see Gov. Herman Talmadge about the case, the Governor promised protection to Mrs. Mallard if she would swear out warrants against the white men she recognized.

When Goldwasser presented Governor Talmadge with documents which the Clevelander termed sufficient evidence in the lynching, he declared:

"This case is bigger than the State of Georgia and bigger than Governor Talmadge . . . it is international in importance."

So far the State of Georgia has not offered a single dollar in rewards for "the apprehension and conviction of the lynchers, although private sources have posted rewards.

NAACP Attorney A. T. Walden was quoted as saying he had told Goldwasser that his intervention would do more harm than good, since he was an outsider.

"I cautioned him not to butt into the situation because it wouldn't do any good," Walden reportedly said.

GEORGIA TO GUARD SLAIN MAN'S WIFE

Talmadge to Call Troops, If Needed, Should She Return to County, to Obtain Warrants

ATLANTA, Dec. 3 (AP)—Gov. Herman Talmadge said today that he would protect the wife of a murdered Negro against lynching by "calling out the National Guard if necessary."

He was earlier told by Joseph M. Goldwasser of Cleveland, Ohio, a business man, that Mrs. Amy James Mallard, because she feared for her life, would not return to Toombs County, Ga., to swear out warrants against the two white men she accused of killing her husband, Robert Mallard, from ambush Nov. 20.

Mr. Goldwasser met with the Governor, to present "photostatic copies of the evidence I've got." He sought Mr. Talmadge's aid in having the Georgia Bureau of Investigation issue murder warrants for the slayers.

The Governor looked over the exhibits, then explained to Mr. Goldwasser the laws governing the investigative activities of the bureau. He added:

"If this had happened in your home town of Cleveland, it would have been forgotten in a day. It is unfortunate that it happened in Georgia and has been seized upon by a hostile press in its campaign to destroy states' rights not only in Georgia, but in all of the forty-eight states, through the civil rights program."

One of the exhibits presented to the Governor was a copy of a letter written on stationery of the Cleveland chapter of the National Association for the Advancement of Colored People. It was addressed to an Atlanta lawyer, A. T. Walden, but was unsigned.

The letter said that the case was "further evidence of the continued need for a Federal anti-lynch law. We should renew our efforts for enactment of such a law by the Eighty-first Congress."

Mr. Goldwasser, who landed in the case with both feet in the interests of "good-will and justice" on Wednesday, said that he was acting as an individual and representing no one.

The Governor said that the Georgia Bureau of Investigation could make arrests only in traffic violations unless asked to do so by a sheriff, solicitor general or judge. Mr. Talmadge added that he would send the documents to the solicitor general and Sheriff R. E. Gray of Toombs County.

Mr. Goldwasser's next move, he said, was to return to Cleveland and await action by Georgia. If none is taken, he added, the case will be turned over to Federal authorities as a violation of civil rights.

Mr. Goldwasser said that he had obtained power of attorney from Mrs. Mallard and a statement from her naming the two killers. She said that they were part of a robed and armed group of six or seven. He was killed, she added, "for no reason whatsoever."

TO GUARD NEGRO WIDOW

Georgia Troopers to Protect Her as She Swears Out Warrant

ATLANTA, Dec. 5 (AP)—Two officers will protect the widow of a slain Negro when she swears out murder warrants against three white men tomorrow, the head of the Georgia Bureau of Investigation said today.

Capt. Delmar Jones said he would send two state troopers to Savannah to accompany Mrs. Amy Mallard to Lyons, Ga., where her husband, Robert, was killed on a lonely country road Nov. 20.

Five men were arrested yesterday on suspicion of murder, but two of them have been released, Sheriff R. E. Gray of Toombs County said.

Mrs. Mallard, who is being treated for shock and hysteria in Savannah, has been in hiding the past week. She has said that she was afraid to return to Lyons to swear out the warrants.

Being held in the county jail are J. Roderick Clifton, 36 years old; William Lamar Howell, 32, and James Spivey, 24, Sheriff Gray said. Herschel Sikes, 34, and Barney Sikes, 34, were released. The men all denied any connection with Mallard's death.

5 Georgia Men Held In 'Ambush' Slaying

By The Associated Press.

LYONS, Ga., Dec. 4—Five white men were arrested today and held under suspicion of murder in the ambushing Nov. 20 of Robert Mallard, Negro, near his home, 18 miles southeast of Lyons. The widow, Amy James Mallard, said her husband was killed by five or six robed but unmasked white men.

The arrests were announced by Capt. Delmar Jones of the Georgia Bureau of Investigation. They came after Superior Court Judge Robert H. Humphrey had called the Toombs County Grand Jury into special session at 10 A. M., next Friday, to investigate the slaying.

Captain Jones identified those arrested as J. Roderick Clifton, 36; William Lamar Howell, 24; James Spivey, 24; Herschel Sikes 34, and Barney Sikes 34, all of Lyons.

The five denied any connection with the death. Each, accompanied by relatives, arrived at the courthouse during the afternoon. T. Ross Sharp, of Lyons, attorney for the men, declared: "We want and invite an investigation by the grand jury. We will not bring habeas corpus proceedings or ask for bail."

Editor McGill Subpoenaed In Mallard Case

[illegible] mailed Editor Ralph McGill, [illegible] before the Toombs County Grand Jury "in the Mallard case."

The Jury is [illegible] testimony in the ambush slaying [illegible]

Sheriff R. E. Gray said he sent the following telegram to McGill: "Mailed you by registered mail subpoena to appear before Grand Jury Lyons, 10 a. m. Dec. 10 Mallard case."

Officers declined to say why McGill was summoned in the case.

[illegible] office from Birmingham, Ala., where he addressed the Birmingham branch of the American Association of University Women.

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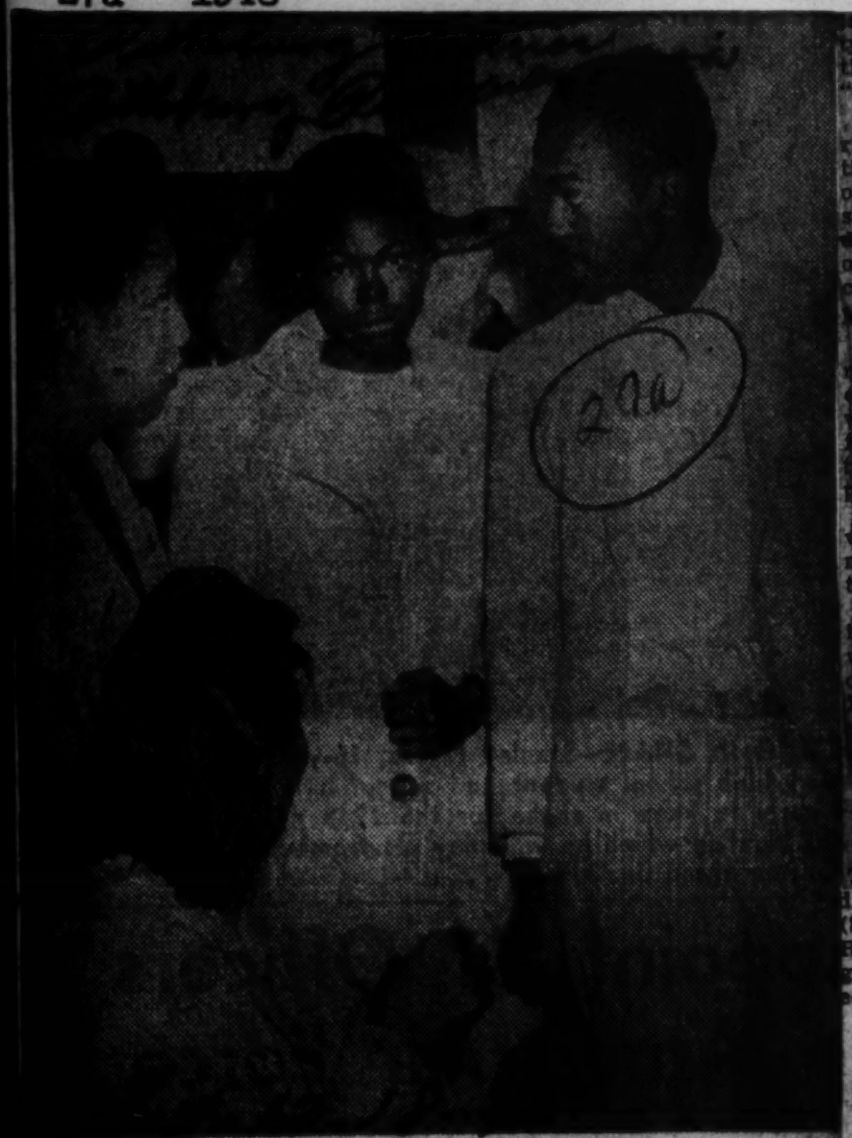


EYE WITNESSES TO KILLING—William Tim Carter, 18, and Angelina Carter, 13, cousins of Mrs. Amy Mallard, who were with Mrs. Mallard and her husband when he was slain, have been released from [illegible] Ga. jail at the request of Mrs. Mallard.

Mrs. Mallard Tells All to Grand Jury

By JAMES EDMUND BOYACK
(Special to The Courier)

LYONS, Ga.—They called for slim, sad-eyed Amy Mallard.

Robert Mallard, her husband, was brutally murdered by a band of robed but unmasked men in the shadow of the Providence Baptist Church (white), near here, at 11:30 P. M. on Nov. 20. He was prosperous—a 37-year-old salesman with a thirty-two-acre farm. They owned a new Kaiser automobile.

Mrs. Mallard took a deep breath, and with head high, quietly walked through the crowd of Toombs County farmers who jammed the corridor of the county courthouse. She looked up at the ominous sign on the door—"Grand Jury."

Bailiff J. W. Sikes turned his red, weather-beaten face, twisted the door handle, and the first colored woman in Georgia history stood before a white grand jury summoned to hand two members of a murder mob, regardless of the consequences to herself.

MANY WHISPERS

Outside the room police officials, newspapermen, county officials and court house loafers renewed their whispered conversations. Rumors filled the old, red brick building as the sun brightly tinted the fresh, pine-covered peaceful countryside.

A Savannah reporter said there were at least twenty local Klansmen "observing" the hearings at the court house.

For the millions of Negroes living through the reign of terror which today grips Georgia and other Southern States, Mrs. Amy Mallard fearlessly faced the jury and in a broken voice told the grim story of that night of crime.

Her hysterical sobs could be heard in the silenced corridor outside.

Shortly after, the twenty-three Toombs County men returned the indictments against William L. (Spud) Howell, 32, a farmer, and Roderick Clifton, 36. Under Georgia law all members of a mob are equally guilty.

Judge Robert H. Humphrey announced that the two would be tried at the special session of the Superior Court on Jan. 11. The crime officially was listed as a lynching. [illegible] Institute.

No charges were made against James Spivey, 24, a third man, who was held in jail on suspicion. Sheriff R. E. Grey said he would be released immediately.

Mrs. Mallard had signed a warrant charging Howell with murder. She couldn't say whether he had fired the fatal shots which killed her husband as they drove past the House of God, only to be ambushed.

QUIZZED THIRTY MINUTES

The jury called the former school teacher into the jury room for fifteen minutes in the morning and fifteen minutes in the afternoon.

Other witnesses questioned included Frank Brison, the first white man to reach the scene of the crime after the slaying, and Mrs. Mallard's cousins, Angeline Carter, 13, and William (Tim) Carter, 18, who were riding in the rear of the Mallard car at the time of the lynching. Reno Taplen, undertaker, and Sgt. John Roberson, Georgia Bureau of Investigation, were also called by the grand jury.

SURPRISE WITNESS

Surprise witness was Ralph McGill, editor of The Atlanta Constitution, who remained closeted with the jury for forty-five minutes.

He had written an editorial criticising the conduct of the Toombs County sheriff and local police officials for not bringing those guilty of the crime to justice.

He also acted as intermediary for an anonymous donor of the $500 reward for the arrest and conviction of Mallard's murderers. The donor was identified as Tom Monahan, road contractor and supporter of Governor Herman Talmadge.

Mr. McGill's editorial read:

"No one is arrested. The murder was more or less suppressed for four days. (The story was broken by Lint Burkett of The Macon News on receipt of a tip). There is good reason to believe that if the newspapers had not dug it out, no legal action would have been attempted by anyone concerned, it would have 'blown over.'

"Now the sheriff says that if no warrants are sworn out the evidence will be submitted to a February grand jury.

"It is precisely this sort of thing the Nation cannot understand. The Nation knows that had a white man been shot in cold blood by a Negro, there would have been no such delay. Joe Doe warrants would have been sent in motion, the bloodhounds and the posses would have been out night and day until the guilty were apprehended or all possibility of capture exhausted.

"In the name of God then, why cannot the law operate equally to protect all citizens?

"That's the question the Nation asks, and that's the question the Nation has the right to ask.

"It is such a travesty on justice and the operation of law that the Russians use it in their newspapers to say to their people that in America a man may be murdered because of his race. It is such an obvious reluctance to apply the same vigor to bring a killer to jail as would have been applied were the dead man a white man, that the next Congress surely will pass some sort of anti-lynch legislation. That it will subject sheriffs and other law enforcement officers to some Federal penalty is probable."

The liberal editor said he cited Section 51, title 18 of the U. S. code to the jury. It makes it "a Federal offense for persons to go in disguise on the highway or on the premises of another to deprive any citizen of any of the rights secured to him by the Constitution and the laws of the United States."

ASKS FBI AID

He also told the jury that efforts were being made to have the Department of Justice assume jurisdiction of the case under this statute.

"I also repeated the oft-published opinion that the South can make itself immune to Federal interference only by upholding the supremacy of the law," he said.

Mrs. Amy Mallard's story to this reporter is that a band of about ten white men stopped the family car and a bullet from one of them killed her husband "for no reason at all."

A mystery character in the case was Joseph M. Goldwasser, Cleveland, Ohio, businessman, who said he was interested only in "goodwill and justice."

He secured Mrs. Mallard's power of attorney to act in the case. She gave Goldwasser a statement naming two men she said were among the men who shot her husband. Goldwasser took the statement and other documents to Governor Herman Talmadge in Atlanta.

LETTER READ

Included was a letter written on the stationery of the NAACP. It said that the case "is further evidence of the need for a Federal Anti-Lynch Law." Talmadge forwarded the widow's statement to Judge Humphrey who called the special grand jury to investigate.

Earlier, Mrs. Mallard declined to return from Savannah, whence she had fled, to Lyons and swear out warrants.

Later, she was escorted from Savannah to Lyons, where she was in hiding at 2317 West Broad Street, in a State police car by State Policemen John Wolfe and O. L. Canady.

Her counsel will request similar protection when the case comes to trial. They are Aa[illegible] Krasnick, Savannah attorney; W. W. Larsen, Solicitor General of Dublin, Ga., circuit, and Harry M. Wilson, former Assistant U. S. Attorney.

Goldwasser, the department store owner, caused resentment in liberal and defense circles here. The reporter was told:

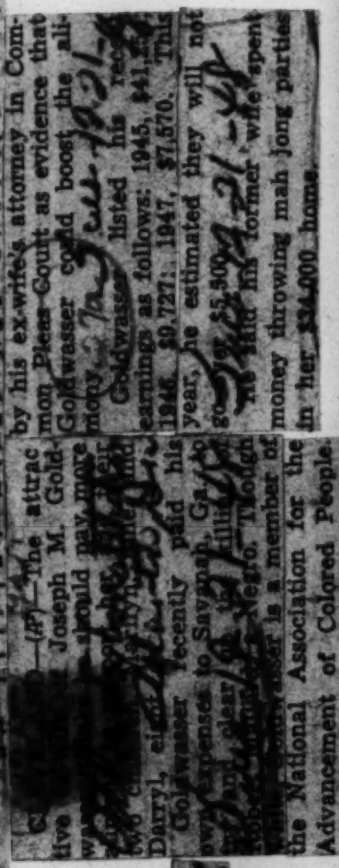
"He came down here, got himself nation-wide publicity, and then vanished without contributing to the Mallard Fund."

Various organizations, led by the NAACP "passed the hat" for funds to prosecute the case to the limit.

T. Ross Sharp of Lyons will defend the two defendants.

Solicitor General [illegible] Lanier [illegible] for the grand jury is expected to prosecute the case.

This reporter was somewhat astonished to see that instead of the Stars and Stripes traditionally in its position on the wall behind the judge's bench, the space behind the bench in the Lyons County Courthouse is used for advertising the products of local merchants. On it was five large illustrated calendars. They advertise B. G. Parker, agent, Sinclair



[illegible] Former
Asks for More
Alimony

Slain Negro's Widow, Blamed for Crime, Wanders About Rainy Georgia In Fright

Her Release Is Unexplained

By the Associated Press.

Savannah, Ga., Nov. 28.—The terrified widow of Negro Robert Mallard, though charged with her husband's murder, arrived here alone today after a 100-mile trip from Lyons, Ga.

The woman, Amy James Mallard, was released without bond or explanation late last night in the custody of her Lyons attorney, Ellis Pope. She was driven to Reidsville by a friend and directed to take the bus to Savannah by herself.

Upon her arrival here, she told her other attorney, Aaron Kravitch, and Lee Banks, Savannah reporter, she had been afraid to make the trip. So she left the bus station and hid in a woods throughout the night, protected from a 4-inch downpour only by a thin raincoat.

This morning, she told Banks, she prevailed upon friends to drive her to Savannah. She said she would not return to Lyons if she could help it.

Her release came 9 hours after her arrest by Lt. W. E. McDuffie of the Georgia Bureau of Investigation as she left her husband's funeral here.

After her arrest on a murder warrant, she collapsed with hysteria and then was whisked away to Lyons.

Her husband was slain around midnight November 20. Sheriff R. E. Gray of Toombs County quoted the woman at the time as saying Mallard, 37, was killed from ambush by robed men and armed white men.

Upon her arrival here, said Banks, the woman, a schoolteacher, was put to bed in an undisclosed hideout. He added that she was "obviously terrified."

Official Absolves Klan

Meanwhile, McDuffie could not be reached by telephone and neither could Sheriff Gray.

After her arrest yesterday, McDuffie said, "I think the Ku Klux Klan has been wrongfully accused in this case. It is our belief that they are not guilty of shooting Mallard."

His statement followed one by Dr. Samuel Green, grand dragon of the Klan in which he contended Sheriff Gray also has cleared the Klan.

The statement by the Sheriff was quoted by Dr. Green from a

been disturbing a service at the Providence (white) Church prior to the shooting.

The church borders the Mallards' farm 20 miles from Lyons.

Banks said the woman told him the church incident did not involve her husband, that she was the one who had blown a horn outside the church.

Three Others Held

She said she did so because an automobile was blocking access to her property. Since then, she continued in her story to Banks, the church had built an access road to her land.

Shortly after her arrest, McDuffie said three Negroes were being held in Lyons as material witnesses. He said they were occupants of the Mallard car.

Whether the three had been released along with Mrs. Mallard could not be determined.

Mallard Ambush Jails 5 in Lyons 'Inviting' Probe

LYONS—(AP)—Five white men were arrested yesterday and held under suspicion of murder in the ambushing of Negro Robert Mallard Nov. 20.

Mallard was slain as he ate at his home, 13 miles southeast of Lyons. His widow, Amy James Mallard, said he was killed by five or six robed but unmasked white men.

The arrests were announced by Capt. Delmar Jones, of the Georgia Bureau of Investigation. They came after Superior Court Judge Robert H. Humphrey called the Toombs Grand Jury into special session at 10 a. m. Friday to probe the Mallard slaying.

Capt. Jones identified those arrested as: J. Roderick Clifton, 36; William Lamar Howell, 24; James Spivey 24; Herschel Sikes, 34 and Barney Sikes 34, all of Lyons.

The five denied any connection with the Negro's death. None apparently was surprised by the investigator's action. Each, accompanied by relatives, arrived voluntarily at the courthouse during the afternoon and walked about in the

T. Ross Sharp, of Lyons, attorney retained by the accused, issued a statement declaring "we want and invite an investigation by the grand jury. We will not bring habeas corpus proceedings or ask for bail."

Mallard was shot twice. His death did not become generally known until four days later.

County officers absolved the Ku Klux Klan of the slaying in a report to Grand Dragon Samuel Green, of Atlanta.

The killing brought a Cleveland, Ohio, businessman to Georgia to investigate the case in the interest of "justice." The Ohioan, Joseph M. Goldwasser, a department store owner, said he acted on his own. He is Chairman of the National Association for the Advancement of Colored People's Cleveland unit.

Goldwasser obtained a statement from Amy James Mallard, the Negro's widow, naming two white men as the slayers. She has been in hiding in Savannah, declaring herself afraid to return to Lyons and swear out warrants. She said she believed she would be lynched if she returned.

The statement and other evidence obtained by Goldwasser was brought to Atlanta Friday and turned over to Gov. Talmadge. The latter forwarded the documents to Judge Humphrey in Lyons.

Prior to yesterday's action, Sheriff R. E. Gray and the GBI said they were content to turn the case over to the regular February session of the Grand Jury.

Gov. Talmadge asked Goldwasser if the widow was ready to swear out warrants against the two men she named. Goldwasser said no—that the widow feared she would be lynched.

The Governor replied he would give her "ample protection" by the Highway Patrol and even would call out the National Guard "if necessary."

Goldwasser still declined to have Mallard's widow return to the County. Talmadge then said he would forward the documents to the proper authorities.

Yesterday morning Judge Humphrey said he had summoned the jury "upon receipt of a letter from Gov. Talmadge enclosing photostatic copies of a letter purported to have been written by Amy Mallard . . . naming the two men alleged to have killed her husband."

Talmadge's letter merely outlined the promise of protection and said he was enclosing the documents "in order that you may take such action as the facts and the law in the case may warrant."

Goldwasser, meantime, had returned to Cleveland after declaring he believed Talmadge was "absolutely sincere" and a "fine Governor."

Mallard's widow is confined to her bed in Savannah under a physician's care.

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Jail Boy, Girl Who Saw Their Cousin Lynched by Mob

Daily Worker New York N.Y. 27a 12-6-48

12-6-48

27a Daily Worker

LYONS, Ga., Dec. 5.—Sheriff R. E. Gray today re-arrested two teen-aged youths who saw their cousin, Robert Mallard, being lynched by a band of white-robed Ku Kluxers. The two youngsters are William T. Carter, 18, and his 13-year old sister, Angelina Carter.

As the two eye-witnesses of the shooting were held, it was announced the sheriff had released two of five men who surrendered for questioning yesterday on open charges. The sheriff released the two men simply on their own sayso that they would stay around The three lodged in jail pending formal charges are Roderick L. Clifton, William L. Howell and James W. Spivey.

Mar 12-6-48

Meanwhile, State troopers will go to Savannah, Ga., tomorrow to bring back Mrs. Amy Mallard, Mallard's widow, who has previously refused to swear out warrants, on advice of her attorney, Aaron Kravitch, for men she has identified as her husband's slayers because of fear of reprisals.

Mrs. Mallard has been in hiding since her husband was murdered. She was with him when he was murdered Nov. 20.

Kravitch said in Savannah today that he has advised Mrs. Mallard to go back to Lyons and she told him she is willing. However, he refused "for security reasons" to reveal the time or the route of the trip.

"That would just be inviting somebody to take a [illegible] at her," he said.

Cleveland Man Says Talmadge Kept His Word

Cleveland Herald

Cleveland Ohio 27a

Five white men have been arrested and charged with the murder of Robert Mallard.

In a telephone conversation with THE HERALD Tuesday, Joseph M. Goldwasser, president of the Peerless Department Store, the "volunteer sleuth", who went to Savannah, Ga., at his own expense to aid Mrs. Amy Jones Mallard bring the slayers of her husband to justice, supplied this information.

Says Talmadge Kept Word

Not only did Goldwasser jubilantly give out the news of the arrests, but in the same breath he paid tribute to Governor Talmadge of Georgia, who Goldwasser declared "has thus far kept his word given to me when I interviewed him in the Georgia State capitol last week."

Sending an armed guard of the Georgia Bureau of Investigation to the hiding place of Mrs. Mallard, Governor Talmadge had the widow escorted to the place where she swore out a warrant for the arrest of her husband's alleged murderers", Goldwasser said, "and the information has just reached me that among the five men now held in jail in Savannah are the two actual killers, who were identified by Mrs. Mallard.

Has Harrowing Experience

"I can't begin to tell you the real story of my experience in Savannah", Goldwasser went on, "how I had to adopt every method of personal safeguard while I gathered the necessary information on the murder of Mallard".

"But there is one thing I want to emphasize. It is this: "If ever I realized the pressing and imperative need there is for making the National Association for the Advancement of Colored People tremendously stronger than it is, it is this harrowing experience that I have just gone through in my humble effort to see justice done in this Mallard lynching".

Asks Pastors' Aid

"The Cleveland Branch NAACP, for example," continued Goldwasser, "urgently needs the support of Cleveland's pastors and religious leaders in a new and determined drive to bring in 20,000 new members. I am ready to do my utmost to help in this direction", he concluded.

Aside from the fact that her husband Robert Mallard was slain, Mrs. Mallard was first arrested by the Georgia Bureau of Investigation on suspicion that the murder was a family plot rather than mob violence.

She was arrested by the GBI in Savannah as she left funeral services for her husband. Taken to Lyons, she told state agents she could identify one member of the alleged mob and the car of another man as being at the scene of the ambush. She said Mallard was killed by one shot fired from the crowd. She recognized one man by his voice and what she could see of his face, because he was a neighbor who had previously threatened to kill her husband.

Motive for the murder, according to the school-teacher wife, was that neighboring farmers disliked her husband because "we were better off than they were and rode around in a new automobile."

Later released into technic-

custody of Atty. Aaron Kravitch, she was taken to nearby Reidsville so that she could catch a bus to Savannah. Mrs. Mallard stated that while waiting for the bus, she became afraid to make the trip and ran into the woods. She spent the night there in a heavy rain, protected only by her raincoat. The next morning, she went to the home of friends and they drove her to Savannah.

Negro Believed Guilty In Killing

Lynn Item 27a

ATLANTA, Nov. 28—(AP)—The editor of the Lyons, Ga., Progress today said he would give $500 to anyone who could prove that Robert Mallard, 42-year-old Negro, was killed by white men.

The offer by Editor Harry Rhoden came soon after Gov. Herman Talmadge said he expected "startling" developments shortly in the slaying last Saturday. Montgomery Ala.,

Rhoden, who has been working closely with the Toombs County sheriff and the Georgia Bureau of Investigation said emphatically that Mallard was not killed, in his opinion, by white men.

Mallard's wife and several other Negroes said they were ambushed on a lonely road about 20 miles from Lyons at night. They said only one shot was fired, and it pierced the windshield of the car in which Mallard was riding with others and killed him.

Fear-Stricken Pair Tells of Lynching

Afro-American Baltimore Md

Thrown in Same Jail With Suspects of Crime

Sat 12-18-48

STARK WITH HORROR

Testify Before Jury That Indicts 2 Whites

By DOUGLASS HALL

LYONS, Ga. — How a lynch mob operated was told at the Toombs County Courthouse here last week by William Tim Carter, 18, and his sister, Angelina, 13, who themselves had been jailed there longer than a week, reportedly "for their own safety."

The two, along with Mrs. Amy Mallard, the victim's wife, were passengers in the automobile driven by Robert Mallard on the night of Nov. 20, when the car was blockaded, surrounded by a

Five Deputies Suspects Freed

Mallard Lynching Mystery

Boys Surrender In

nah, will be fully protected if she returns here.

• • •

LYONS, Ga. — A brand-new "decoy plot is in the making to cover up for the real white robed murderers of Robert Mallard and bury Georgia's latest lynching in a fog of confusion.

This is the opinion expressed by several Negro leaders in the state in interviews with a representative of the The Chicago Defender Sunday.

Five white farmers voluntarily surrendered in the case Saturday, allegedly demanding that their names be cleared of rumors that they were involved in the Mallard lynching. These men are described as "decoys" with air-tight alibis, who will seek "to take the heat off the real murderers," two of whom, the widow, Mrs. Amy James Mallard, says she can name.

Mrs. Mallard is in hiding with friends in Savannah, following her release after being arrested and charged by the Georgia Bureau of Investigation with having shot to death her husband on a lonely backwoods road on November 20.

She is reported to be able to identify the two members of the mob who came to the car unmasked, and fired two bullets into the body of her husband after he had been killed instantly by a shot through the heart fired through the windshield.

Mrs. Mallard stated that she knew the two men, and wanted to swear out warrants for their arrest. She feared to return to her home here because she had been warned that her life would be in danger.

Gov. Herman Talmadge told the press that he would "call out the national guard" if necessary to protect the widow from violence. So far he has made no move to assist Mrs. Mallard in bringing to justice the lynchers who murdered her husband. Talmadge is under considerable pressure from public opinion, as Negro and liberal white leaders in the state have called upon him to make good his recent inaugural promise to "be a good governor" and uphold law and order.

He is also under pressure from his political associates, who see in the Mallard lynching another blow to their battle to defeat federal anti-lynch and other civil rights legislation.

The lynching has gained national prominence because of bungling by Sheriff R. E. Gray and the Georgia state highway police in an alleged effort to conceal the killing as a lynching.

First the murder was not reported officially for three days, during which no effort was made by law enforcement officials of Toombs county or the state to apprehend the killers.

Then Gray described Mallard as a prosperous business man as a "biggety Negro" with whom "he had had trouble before."

Later, after the local and national daily newspapers had exposed the lynching, and a reward had been posted by a "wool hat Georgian" for the capture of the slayers, Mrs. Mallard was arrested in Savannah and quizzed about the slaying as she returned from the funeral of her husband. She was released without charges or bond and with no satisfactory explanation of the arrest.

Gray and other officials have repeatedly denied that the Ku Klux Klan, or even white men at all, were responsible for the killing. Yet the widow and the two teenage cousins who were in the car with Mallard at the time have all stated that the car was stopped and fired on by a band of white men in white robes, some without and is reported now to be broke.

Efforts to conceal the fact that the killing was a lynching are so clumsy and obvious that even the white daily papers are condemning it and demanding a thorough investigation and airing of the case.

Only two causes have been given for the lynching of Mallard: first, that he was a Negro, and second that he was prosperous and self-respecting, incurring the vicious envy of certain whites in the community.

Reports that FBI agents are making an independent investigation of the Mallard case under orders from the U. S. Department of Justice, recall the fact that J. Edgar Hoover's representatives were also sent to investigate the quadruple lynching at Monroe, Ga., in 1945, but failed to break the case, or reveal the name of a single participant in the mass mob murders.

Talmadge Refuses to Act in Lynching of Negro Who Voted

After nearly two weeks of investigation, Herman Talmadge, white supremacy governor of Georgia, has announced that no arrests will be made by state officials in the murder of Robert Mallard, 37-year-old Negro salesman.

Talmadge's Georgia Bureau of Investigation had tried last week to shift their responsibility for prosecuting the alleged murder to the shoulders of the dead man's widow, Mrs. Amy James Mallard. Mrs. Mallard, 28-year-old school teacher, was asked by officers of the GBI to swear out a warrant for the arrest of two men she had identified as her husband's slayers. On advice of counsel she refused to do so, pointing out that the responsibility for placing charges for murder rested with the state authorities.

Meanwhile Sheriff R. E. Gray of Toombs County, where the killing occurred on Nov. 20 as Mallard was attacked by armed, white-robed mobsters, said he would ask for Grand Jury indictments. The next Grand Jury session is scheduled for February, 1949.

MRS. MALLARD was arrested on a murder warrant as she attended her husband's funeral. Subsequently she was released without bail. Sheriff Gray said the arrest was for purposes of getting "information" from an eye-witness.

Mrs. Mallard saw her husband shot and killed by two men shortly after midnight of Nov. 20 when ten hooded men stopped the new sedan in which the Mallards and two young cousins were riding near Lyons, Ga. After her arrest Mrs. Mallard said she positively identified two men as the murderers.

Gov. Talmadge told reporters that the GBI had no such evidence and that what evidence they had did not warrant arrests.

Motive for the killing, according to Mrs. Mallard, is the fact that she and her husband "were better off" than many of their white neighbors. Her husband, she said, had been warned not to vote in the Democratic primary election. White neighbors of the Mallards accused them of being Wallace supporters and "Communists."

Local officials told newspapermen that many local whites described the Mallards as "sullen." A. Aron Kravitch, attorney for Mrs. Mallard, declared: "A man was murdered in the same pattern that has been followed in Georgia before. There was a Negro in the community that certain white people didn't like—or they 'shipped' him out."

The killing was recorded by Tuskegee Institute as a lynching.

MRS. MALLARD was disliked by her white neighbors, attorney Kravitch said, because "they thought she was teaching subversive things—such as that Negroes have rights." Fearing for her own safety, Mrs. Mallard fled her home in Vidalia and is now living in seclusion in the Negro community of Savannah. In Savannah, she said that she is ready to testify against the two Toombs County white farmers she identified as her husband's killers provided she is given police protection to and from her present residence.

Meantime from Washington, the Civil Rights Section of the Department of Justice has announced that it is studying documents to determine whether there is any federal jurisdiction. The fact that Mallard was "warned" not to exercise a federally guaranteed right—the right to vote—could involve a federal agency in the case.

Courage Main Factor In Howell Clifton Indictment

By MARION E. JACKSON

LYONS, Ga.—(SNS)—The testimony and courage of Mrs. Amy James Mallard are the main factors in the indictment of William L. (Spud) Howell, 32, and Roderick L. Clifton 36, by a Toombs County grand jury late Friday.

Not once did Mrs. Mallard waver in her determination to seek an indictment and possible conviction of the men she charged with the murder of her husband Robert E. Mallard, who was slain Nov. 20 on a lonely road near here.

Almost singlehandedly Mrs. Mallard brought to light what happened that fatal night when robed and masked killers barricaded the road near their farm home and shot to death her husband.

So unshakeable and convincing was her testimony that Howell and Clifton will go on trial at a session of Toombs Superior Court January 11. Judge Robert H. Humphrey will preside.

The "True Bills" in the case of Howell and Clifton were returned by a special session of the jury. Return of the bill followed a day-long parade of 16 witnesses.

Even before the indictments were returned Mrs. Mallard had returned to her hideout in Savannah. Also seeking refuge in Savannah are Angelina Carter, 13, and William Tim Carter, 19, who along with Mrs. Mallard were the only witnesses to what happened when Mallard's car was forced to an abrupt halt, and masked men poured fire through the windshield of his new automobile.

Nearly a week passed before news of the killing which has been labeled a lynching by Tuskegee Institute was unearthed by Metropolitan newspapers. The case attracted nationwide comment.

Mrs. Mallard sought refuge in Savannah following the killing but was later arrested and charged with the murder of her husband. She was released 9 hours later without bond or explapation.

Citizens of Lyons and Toombs County received the news of the indictment with silence.

As citizens huddled before store fronts and on the steps of the Toombs County courthouse Saturday there was no visible signs of excitement or indignation.

In Savannah Mrs. Mallard charged that William Tim Carter had been intimidated by investigators. She said the youth will not to the crime had been carried to a cemetery and intimidated and terrorized so much that he refused to reveal the identity of a man he had confided to her as being at the scene of the slaying.

She told the Atlanta Daily World "Men in this section are frightened and won't tell the truth. Some parents teach their kids to be scared but I am going to teach mine to 'fight boy'."

Newsmen attached special significance to the failure of Joseph M. Goldwasser to appear before the grand jury. Goldwasser, a wealthy Cleveland business man had conducted an independent investigation. He is a board member of the NAACP. Sheriff R. E. Gray disclosed however, that Goldwasser had not been subpoenaed.

At the time the true bills were returned approximately 150 persons were in the courthouse. Mrs. Mallard had departed for Savannah with her GBI escort.

The widow is still pondering whether she will appear before Herman Eugene Talmadge, Georgia's chief executive to tell her story. Editor Ralph McGill of the Constitution and Wright Bryan of the Journal were assailed by Ellis Arnall for Harry Rhoden in the current issue of the Lyons progress for their part in the case.

Fielding Wright Governor of Mississippi will introduce a resolution at the Southern Governors Conference asking that a public relations and information program be set up. The regional education plan has been the "Aim of the South." even bitterly denounced by the NAACP.

In addition to Governor Wright's

7691

Accused Toombs Widow Identifies White Man in Killing, Lawyer Says

27a Atlanta Ga. Constitution

SAVANNAH—A Savannah attorney said last night the widow of Negro (Robert Mallard) had identified one Toombs County white man and the cars of two others as being present at the slaying of her husband.

Meanwhile, the woman, Amy James Mallard, who had been released without bond or explanation after she had been charged with the murder, made her way into Savannah alone.

Aaron Kravitch, of Savannah, one of her attorneys, said the woman's description of clothing worn by those she charged were the slayers did nt conform to that of the Ku Klux Klan.

He said the woman claimed the slayers wore flat headpieces with masks and white capes that came about to their waists, but that no insignia was noticed on the regalia. mans ll-29-48

Kravitch said his talks with the Mallard woman indicated the mob she said was present was composed of "10 or 12 persons."

Kravitch said police officers had information on identifications made by the woman.

Meanwhile, in Atlanta Capt. Delmar Jones, of the Georgia Bureau of Investigation, promised a new "break" in the investigation of the slaying "in two or three days."

Gov. Talmadge declined to comment on the release of Mallard's widow without bond. He said he had no late report on the investigation, but added, "I want the guilty parties apprehended, no matter who they are."

Referring to the Negro woman, the State investigator said:

"She is co-operating with us fine now. For a while she did not, but after she obtained attorneys she changed her attitude."

Capt. Jones said the woman was released without bond to attend the burial of her husband in Griffin. Funeral services had been held in Savannah.

She had been released without bond late Saturday night into the custody of one of her attorneys, Ellis Pope, at Lyons. After her release, she was driven by a friend to Reidsville, and there directed to take a bus to Savannah by herself. 11-29-48

Her release came nine hours after her arrest by Lt. W. E. McDuffie, of the Georgia Bureau of Investigation, as she left her husband's funeral services here.

After her arrest on a murder warrant, she collapsed with hysteria and then was whisked away to Lyons.

Her husband was slain around midnight, Nov. 20. Sheriff R. E. Gray, of Toombs County, quoted the woman at the time as saying Mallard, 37, was killed from ambush by robed and armed white men.

27a Atlanta Ga.

Upon arrival here yesterday morning, the woman told Kravitch, in the presence of Lee Banks, reporter for the Savannah Morning News, she had been afraid to make the trip. Constitution

Banks said the woman told him she left the bus station and hid in a woods throughout the night, protected from a four-inch downpour only by a thin raincoat.

Yesterday morning, she related to Banks, she prevailed upon friends to drive her into Savannah to the office of Kravitch.

Banks said the woman told him she would not return to Lyons if she could help it.

Upon her arrival here, said Banks, the woman, a schoolteacher was put to bed in an undisclosed hideout. He added that she was "obviously terrified."

Meanwhile, Lt. McDuffie could not be reached by telephone and neither could Sheriff Gray.

After her arrest Saturday, Lt. McDuffie said, "I think the Ku Klux Klan has been wrongfully accused in this case. It is our belief that they are not guilty of shooting Mallard."

His statement followed one by Dr. Samuel Green, Grand Dragon of the Klan, in which he claimed Sheriff Gray also had cleared the Klan. Atlanta, Ga

The statement by the Sheriff, as quoted by Dr. Green from a signed paper, said Mallard had been disturbing a service at the Providence (white) Church prior to the shooting.

The church borders the Mallards' 20-acre farm 20 miles from Lyons. mans 11-29-48

Banks said the woman told him the church incident did not involve her husband, that she was the one who had blown a horn outside the church.

She said she did so because an automobile was blocking access to her property. Since then, she continued in her story to Banks, the church had built an access road to her land.

Shortly after her arrest, Lt. McDuffie said three Negroes were being held in Lyons as material witnesses. He said they were occupants of the Mallard car.

Toombs Slaying Arrests Await Warrant Request

Constitution 27a Atlanta Ga. mid 12-1-48

An expected "break" in the slaying of a Toombs County Negro failed to develop late yesterday, although Sheriff F. E. Gray reported he was ready to make arrests if warrants were obtained.

Georgia Public Safety Director George Wilson said as far as he knew there were "no new developments" in the case of Robert Mallard, shot down from ambush 20 miles from Lyons, Ga., a week ago. Rec'd wed 12-1-48

A source in the Georgia Bureau of Investigation had predicted earlier that a "break" would come today. The source said the break would be the arrest of two or more white farmers. wg.

Investigators in the field could not be reached directly. 12-1-48

Mallard's widow, Amy James Mallard, arrested on murder charges Saturday and released nine hours later, still was in hiding in Savannah in the custody of an attorney, Aaron Kravitch. Sheriff Gray said charges against the widow would be dropped.

The woman, a school teacher, and mother of a two-year-old child, has contended her husband was killed by a band of robed white men. She said their car was stopped on a narrow country road and one shot fired from ambush.

The other Negroes in the car have told the same story. wg

Capt. Delmar Jones of the GBI said earlier yesterday "we will take some action this afternoon." His promise came after he was informed through the Associated Press that Mallard's widow would appear in Lyons to identify those she said she recognized at the scene of the shooting. Jones could not be reached at his office or home last night. 12-1-48

Sheriff Gray said he was "waiting on warrants" before proceeding with any more arrests. Kravitch has said his client will not swear out any warrants because this is not a private prosecution.

SLAIN NEGRO'S WIDOW RELEASED IN GEORGIA

SAVANNAH, Ga., Nov. 29 (AP)—Mrs. Amy James Mallard, widow of Robert Mallard, who was arrested at the funeral of her Negro husband yesterday and charged with his murder, was released nine hours later last night at Lyons, Ga., in the custody of her attorney without bond or explanation.

Hysterical and terrified, she traveled the 100 miles back here through heavy rain, part way in the car of a friend and then by bus.

No comment was available from Lieut. W. E. McDuffie of the Georgia Bureau of Investigation who made the arrest, or from Sheriff R. E. Gray of Toombs County, who had quoted the woman as having said that her husband was killed from ambush by robed and armed white men on the night of Nov. 20. The Ku Klux Klan has denied any part in the murder. Atlanta Ga. 11-29-48

Asked if he did not think Mrs. Mallard's abrupt release "rather strange," Gov. Herman Talmadge said that he wanted "the guilty parties apprehended, no matter who they are." mac 11-29-48

Upon arrival here Mrs. Mallard, a school teacher, talked with a lawyer and then went to a hideout where friends put her to bed.

Slay Report Hurts Dixie, Russell Says

Constitution Atlanta 27a Atlanta Ga. 11-30-48

By ALBERT RILEY

Georgia's Senator Richard B. Russell, one of the South's outspoken opponents of civil-rights legislation, last night expressed deep regret at the reported slaying of a Negro by a gang in Toombs County. Atlanta Ga

"Instances such as this terrible crime reported in Toombs County lend color to all the reports up North of brutality toward the Negro in the South," Russell said, "and make the task of Southern members of the Congress infinitely more difficult." Ga 12-5-48

Declaring he thought Georgia had gotten away from such crimes, the Senator said that "ninety-nine percent of the white people of the South are people of good will toward the Negro."

$1,100 In Rewards Offered For Slayer Of Negro In Georgia

Atlanta Ga. 27a 11-29-48

LYONS, Ga., Nov. 27—(AP)—Rewards totaling $1,100 were posted Saturday in the mysterious slaying of Robert Mallard, Negro, on a lonely country road.

Editor Harry Rhoden, of The Lyons Progress, said he does not believe the Toombs County Negro was killed by white men. He promised $500 to anyone who can prove he was. Another $800 in rewards for the slayer was offered by two anonymous Georgians.

Rhoden made his offer Friday after Gov. Herman Talmadge told newsmen he expected "startling" developments soon in the investigation of Mallard's death.

State patrolmen and Georgia Bureau of Investigation agents are on the case on orders from Talmadge.

Capt. Delmar Jones, new director of the GBI, would not talk about the investigation Friday but when asked, "Was Mallard maybe killed by another Negro?" he replied:

"That's about it." Sav 11-27-48

Mallard's wife and two other Negroes said they were ambushed on a park road about 20 miles from Lyons last Saturday. 27a

Two or three cars stopped them, they reported, and one shot was fired from ambush. A single bullet pierced Mallard's chest.

Toombs Sheriff R. E. Gray said he did not believe all of the story told by the Negro witnesses.

Editor Ralph McGill, of The Atlanta Constitution, reported a $500 reward was left with him Thursday and another $100 Friday, both by long-time backers of Gov. Talmadge and his late father, Eugene Talmadge.

Negro Widow Held In Killing Of Husband

Accused Georgia Woman Shrieks 'Ku Kluxers'

Montgomery Ala 11-29-48

SAVANNAH, Ga., Nov. 29 (AP)—The widow of a Negro Robert Mallard, arrested for his murder today, screamed "he was killed by hooded Ku Kluxers."

A few minutes later the woman, Amy James Mallard, began wailing incoherently and collapsed in the arms of her brother, a Buffalo, N. Y., attorney.

She was arrested in a Savannah paper asked if she would like to make a statement. 11-29-48 Until this moment she had been calm. "I'll tell the world I do," she shrieked, "he was killed by hooded Ku Kluxers. He worked hard for me."

$500 Reward Set For Gang Killers

A South Georgia citizen, a believer in white supremacy, personally has posted a $500 reward with The Constitution for information leading to the arrest and conviction of disguised men who reportedly killed a Negro in Toombs County last Saturday night.

Meanwhile, holiday absence of law-enforcement officers, and the lapse of nearly a week's time since the crime, combined to cloak the slaying in continued mystery.

Sheriff R. E. Gray, of Toombs County, could not be reached by telephone at Lyons, and reportedly was out of town for the holiday. State Highway Patrol offices at near-by Swainsboro and Reidsville reported nothing new in the case and GBI agents in the area could not be reached.

W. M. Bowen, of the Lyons Police Department, reported no new developments in the case, but pointed out the killing occurred about 20 miles from Lyons and his Department was not taking part in the investigation which is outside the municipality's jurisdiction.

The Atlanta Constitution has in its safe $500 in cash offered as a reward for action "leading to the arrest and conviction" of the men who killed Robert Mallard as he left a church with his wife and family.

It was left with Editor Ralph McGfill by a man who described himself as "a wool-hat man from South Georgia, a Talmadge supporter all his life, and a believer in white supremacy, although a violent opponent of the Ku Klux Klan."

"This is a white man's country," he said, "and therefore the law is the white man's law. He wrote it. It is important that he live by it. I believe the Negro should have equal protection of the law and equal, but separate, educational and health services and opportunity. No decent white man, no real 'wool-hat Georgian' will support murder and lynch violence."

He then asked if The Constitution would accept the money and hold it as a reward leading to the arrest and conviction of those responsible for the reported crime, withholding his name, but permitting the use of his statement.

The money was accepted. It consists of four $100 bills and another $100 in $5 bills. It will be paid to [illegible] designated by the Sheriff [illegible] and County Attorney of Toombs County if, and when, an arrest and conviction are obtained.

Police Release Negro Widow In Killing Case

Woman Freed To Go To Mate's Burial; Break Is Seen

SAVANNAH, GA., Nov. 28—(AP)—Negro School Teacher Amy James Mallard, charged with murdering her husband, was released to attend his burial and "cooperating with us fine now," a state investigator said tonight.

The woman, bedraggled and obviously shaken, came into Savannah today alone. She was released last night into the custody of one of her attorneys, Ellis Pope, at Lyons, Ga., 100 miles to the south.

At Atlanta, Capt. Delmar Jones of the Georgia Bureau of Investigation promised a new "break" in the investigation "in two or three days."

Gov. Herman Talmadge declined to comment on the release of Mallard's widow without bond. He said he had no late report on the investigation but "I want the guilty parties apprehended no matter who they are."

The widow was arrested as she left funeral services here for her husband, with burial to follow at Griffin. Her release at Lyons came nine hours later.

Woman Collapses

After her arrest on a murder warrant, she collapsed with hysteria and then was whisked away to Lyons.

Her husband was slain Nov. 20. Sheriff R. E. Gray of Toombs County quoted the woman at the time as saying Mallard, 37 was killed from ambush by robed and armed white men.

After her release last night, the woman was driven by a friend to Reidsville, Ga., and there directed to take a bus to Savannah by herself.

Upon arrival here this morning the woman told her other attorney Aaron Kravitch that she had been afraid to make the trip.

The woman told a reporter she left the bus station and hid in a woods throughout the night, protected from a four-inch downpour only by a thin raincoat.

This morning, she said, she prevailed upon friends to drive her into Savannah.

The woman said she would not return to Lyons if she could help it.

Meanwhile, Lt. McDuffie could not be reached by telephone and neither could Sheriff Gray.

After her arrest yesterday, Lt. McDuffie said, "I think the Ku Klux Klan has been wrongfully accused in this case. It is our belief that they are not guilty of shooting Mallard.

His statement followed one by Dr. Samuel Green, Grand Dragon of the Klan in which he claimed Sheriff Gray also has cleared the Klan.

Widow Released On Charge Of Slaying Her Husband

GRIFFIN, Ga.—(AMBI)—Rev. John R. Mallard, 76-year-old retired Presbyterian minister of Jacksonville, Fla. arrived here Monday for the funeral of his slain son, Robert E. Mallard, who was killed by masked persons in Toombs County.

The minister vigorously denied that his daughter-in-law Amy James Mallard, who has been released without bond or explanation, has participated in the slaying of his son.

Rev. Mallard, is stopping at the home of Mrs. Ella Phillips, while awaiting interment of the slain man, whose body is lying in state at Spauldings Funeral Home.

NO FINAL DECISION

Rev. Mallard said he did not know whether the burial would take place Tuesday or Wednesday, but the final decision would be announced after the arrival of a brother, Benjamin F. Mallard of Los Angeles, California.

The departure of Mrs. Portia Mallard Walker, daughter of Rev. Mallard, for Savannah, Ga., early Monday aroused speculation that the burial would take place Wednesday.

There was an unconfirmed report that Benjamin F. Mallard was due in Savannah, late Monday and that he and Mrs. Walker would accompany the widow back to Griffin.

VERY HYSTERICAL

Mrs. Mallard has been in a hysterical state since her arrest Saturday night, when she was charged with the murder of her husband. She was released 9 hours later without bond into the custody of her attorney, Aaron Kravitch of Savannah.

Rev. Mallard said that his son had lived in Toombs County for 5 years. He was a salesman for Duval Casket Company of Jacksonville, Fla.; Egyptian Embalming Fluid Company, Standard Advertising Co., and Schwob Clothing Co. He estimated that his son's income was more than $400.00 a month from the casket firm alone.

Rev. Mallard denied that his son was born in the north. The slain man was born in Concord, N. C., where he, the father, pastored for 6 years. He insisted that Robert had attended Stillman Institute, Tuscaloosa, Ala.

LIVED IN CONCORD

The minister said he started work in the Presbyterian ministry at Griffin. After service at Concord, the Mallard family has alternatingly lived in Glenville, Ga., Andersonville, Ga., Thomasville, Ga., Tuscaloosa, Ala., and Gainesville, Ga. His son has lived with him during all these years until he married.

Describing his family as a "Southern family," Rev. Mallard said his wife, Laura Childs Mallard was a graduate of Spelman College and died teaching in her classroom at Stillman Institute. She was the first Negro teacher at that institution.

GIVEN CITATION

Rev. Mallard said his son had been cited by the Standard Products Co., as one of the five top salesmen in the United States. He was given a free trip to Kansas City, where he received the citation.

William R. Walker, the slain man's brother-in-law described Mallard as "being neatly dressed always. He was a dynamo and a hustler. Folks almost bought goods by looking at him."

Mrs. Phillips, at whose home the Mallard family is stopping said "he was always a good salesman, and he didn't have a single bad habit or I would have found them out."

The word hadn't gotten around that Mallard's body was lying in state at the Spaulding Funeral Home at Griffin. In the small chapel, Mallard's body lay banked in flowers which bore the firm names of the companies he had represented.

News coming out of Toombs County indicated that Mrs. Mallard had a social at her school the night of the slaying to raise funds to beautify the grounds. It was after this affair that Mallard started home and was halted and slain by masked killers.

Neighbors in Toombs County are credited with stating that Mallard never interrupted church services in order to get to his farm. Mrs. Mallard is quoted as saying she once "blew her horn" in order to secure passage.

MAN RECOGNIZED

Mrs. Mallard is reported to have told Atty. Aaron Kravitch that she recognized one of the men present at the scene of the slaying and the automobiles of two others.

Meanwhile in Atlanta, Herman Talmadge, Georgia's Chief Executive told reporters "I don't want any statements being issued through the Ku Klux Klan or any other organization like that."

This was in reference to the Klan issuing statements after Dr. Samuel Green, titular head of the Klan gave reporters a statement exonerating the Klan.

Meanwhile in Savannah, Capt. Delmar Jones promised a new "break" in the case of Mallard, who was shot to death from ambush near Lyons, Ga.

Mrs. Mallard has steadfastly insisted her husband was killed by members of the Ku Klux Klan. At the time of her arrest she begged the GBI not to take her back to Lyons "because they'll get me too."

Another Lynching?

Foul murder was committed again in Georgia last Saturday night. A Negro, returning from a church service in a car containing his wife, his child, and two other Negroes, was ambushed by "two or three" other cars occupied by a number of men. When forced to a halt by a roadblock, the Negro was shot through the windshield. The first reports from the scene held that the killers were white men in robes, but unmasked. A day later, however, the sheriff of the county in which the crime took place announced that the witnesses had changed their story; they said the men were not robed, the sheriff announced, and that they could not tell in the darkness whether the assailants were white or black.

It may be that the murder, presumably premeditated, was the result of private quarreling. It may be that it was another lynching. The sheriff, however, described the dead man as a "biggety" Negro. A law enforcement officer has little reason to comment on the character of the victim of a murder. His duty is to apprehend the culprits.

Meanwhile an interesting angle to the case is the posting of a $500 cash reward for the arrest and conviction of the killers. It was made by a man anonymous to the public but described as a "wool hat" supporter of the Talmadges. He described himself as a believer in white supremacy but an opponent of lawlessness and of the Klan. No decent white man, he said, will ever condone lynching, no matter what his attitude may be on racial matters.

The reputation of Georgia has been smirched again. The state should make extraordinary efforts to find and punish the [illegible] One does not forget that the [illegible] lynching of four Negroes under somewhat similar circumstances last year has never been solved. Such events as these give strength to the supporters of federal anti-[illegible] legislation.

7692

Still "No Evidence"

It is now two weeks since Robert Mallard, Toomb[s] county Negro businessman, was lynched on a lonely road near L[yons], Georgia, on a Saturday night. And, save for a lot of loose talk and hot air, law enforcement officials neither have nor [illegible] show any inclination to conduct a rigorous investigation into the crime and bring the guilty [illegible]. This attitude of indifference and evasiveness proves, if anything, that the South cannot be depended upon to cope with or protect the civil rights of Negroes. The lynching and stalling in this case alone, with its foul odors extending around the civilized world, should convince every lawmaker in Congress that the clamor of Southerners in Congress for th eright to handle the Negro issue under the pretense of States' Rights, is just a smoke screen for the right of protection in mob rule and intimidation so as to exploit the Negro for personal gain.

Officials in charge of the case, we think, demonstrated the most ordinary judgment and singularly poor taste in what they fed the public. For a while it appeared that they had conceded their right to probe the facts to the Klan head, Dr. Samuel Green, who it seems to us, caused needless embarrassment to the state officials. Equally embarrassing was the part taken in the investigation by G[A] Lieutenant William McDuffie, who when pressed by reporters, ventured the opinion that a Negro may have killed Mallard. Then when it became clear that Mallard's widow was not the kind upon whom the responsibility could be saddled, the whole tenor of announcements changed from that of the "Governor having some startling information to break", to that of "no evidence" or a dry mouth silence.

Now they want "some of the Negroes to swear out warrants" for Mallard's slayers, but they needed no whites to swear out a warrant to arrest Mrs. Mallard for the murder of her husband. At first it was all right for the GBI officials to dip and dabble into the case, but now the state can only move into the case upon the invitation of local enforcement officials. Throughout the unfortunate drama one gets the inescapable impression that the officers and public officials, too, were very bad actors, who appeared to [illegible]

THE DIFFERENCE IN MURDER

[illegible] of the country who [illegible] and the beatings of citizens for advising or taking people to vote, are fed a dish of [illegible] told to sweep from their own backyards. The [illegible] "let us manage our own affairs" makes a defense in Detroit and Cleveland. Possibly Mr. Goldwasser was told this [illegible] outrages of gang-murder in Chicago, New York, De[illegible] down the other day to investigate [illegible] lynching. People from other sections who condemned the inactivity of law enforcement officials when nobody was brought to justice in the Walton county massacre of two men and their wives, were cited incidents of gang murder and gang warfare. (2a Ga.)

Before this becomes a patent alibi and a standard excuse for the franchise of lynching, horsewhipping of innocent citizens let us keep the record right.

A history of gang-murder around New York, Chicago, Detroit, Cleveland and other centers in the north and east would disclose that gang-murders and gang warfare come out of friction among gang leaders who live and rule outside the law and other gang members who offend them. The record also will show that those who are killed in gang warfare are underworld characters themselves; people who chose of themselves to live outside the law in order to run beer and liquor rackets and other unequalized ventures. These people who are the victims of gang lords and racketeers chose this tpye of life; the fate of people operating outside the law has already been considered and many of them expected momentarily to be killed. When they run counter to ang rules or violate the confidence of the ring or go over and join a rival gang, racketeers are always on the lookout for any form of violence that may come.

We find ourselves thinking of Al Capone's old gang, Spatelle and Bitz and other names well known in gangdom.

This is not the case in a lynching as we have them in the south. Here a peaceful law abiding citizen, paying his tax and living inside the law, who may have appeared prosperous or "sassed" somebody or who had a piece of land he would not sell or who built a better rat trap than somebody else has no assurance that when he lies down at night he will not be called to the door by a hooded gang and led off and shot. The case of the two pairs who were lynched in Walton County would disclose that these four people were living inside the law; they did not make their living in the underworld [illegible] who fall prey to gang murder in the north [illegible].

Isiah [illegible] simply voted. Voting is legal in this country and that is what he was lynched for.

In the case of gang murder and the rule of underlords those who read the newspaper and listen in on "Mr. District Attorney" over the radio, know that there is a regular hunt on the trial of gangs and gang rule where they exist. Ganglords and murderers are often brought to justice and the records at Sing Sing will justify this statement.

There is no attempt here to clear any section of the country for lawlessness; a law breaker in Chicago is as much a law breaker as if he lived in Georgia; he should be brought to justice. There is no attempt here to wink at crime in any section of the country. We just wish to cite here and now that there is a vast difference in people being killed, who on their own accord for the sake of getting rich and profiteering outside the law, and honest hard working, law abiding people who live within the law and sometimes their only offenses are as the Columbus Enquirer carried "throwing dust on white people with his new automobile," or failing to call somebody Mister.

STILL TERROR IN THE SOUTH

While the Dixiecrats cry out that there is no need for an antilynching bill, a colored man was shot to death by members of the Klan or persons supposed to be Klansmen, not far from Lyons, Ga. Sat 12-4-1948

The dead man is Robert Mallard who was mobbed by the white-sheeted men as he and his family were returning from church at 11 p.m. The white men, in three automobiles, blocked the road and shot Mallard as he approached.

Georgia can protest all it pleases that this is not a lynching, but it is.

At Perrine, Florida, Ben Shavis, candidate for city com-

BY MARION E. JACKSON

GRIFFIN, Ga.—(SNS)—Mrs. Amy James Mallard has discounted a widespread rumor that there might have been a case of "mistaken identity" in connection with the fatal shooting of her husband, Robert E. Mallard, by hooded killers in Toombs County.

This rumor gained credence after the first law enforcement officer who reached the scene asked "Is this Reno Tapley's car?" Residents of the small community had speculated that Tapley might have been the intended victim.

Some sources indicate that the Ku Klux Klan had warned Tapley that they were going to get him after the news leaked out that he

Widow Discounts Rumors Killing Was Mistake

Says Slayers Had Clear View—12-3-48

Husband Before Shot

had inherited $10,000 from the relative. Fri. 12-3-48

It is a fact, however, that Tapley collapsed and was in a state that bordered on hysteria when he learned that Mallard had been slain. He was unable to embalm the body until nearly 30 hours later.

OWNED NEW CAR

Mallard owned a new Kaiser and the undertaker, Tapley had almost an identical model by Fraser.

Mrs. Mallard has testified that no such possibility existed. She said the masked slayers had a clear, close-up of her husband before they fire the fatal volley.

In Toombs County, Sheriff R. E. Gray was preparing to ask a Grand Jury to return indictments against a number of persons believed responsible for Mallard's murder.

Sheriff Gray has told reporters that he still hoped Mrs. Mallard would swear out warrants against the alleged killers. However, such an action appeared improbable. Mrs. Portia Mallard Walker, sister-in-law of the widow said the woman was in such an hysterical and emotional condition that she would never venture back to Lyons or Vidalia for such an ordeal. 270

William T. Carter and his sister, Angeline, who were riding in the back seat of Mallard's car at the time it was blockaded, have been released.

SPECULATE ARRESTS

On the basis of this action, reporters speculated whether any immediate arrests are planned. William and Angeline, cousins of the Mallards had been riding on the back seat of the car when the killers poured fire through the windshield.

Sheriff Gray told reporters at Lyons: Fri 12-3-48

"If a special grand jury session is called I am prepared to present all the available evidence and request the grand jury to return indictments as it sees fit." Gray said. "However, I hope that members of the family will swear out warrants for the men they identified as connected with the killing."

In Savannah, Aaron Kravitch, attorney retained by the widow, said she would not initiate action that would appear as a state witness if prosecution actually began.

NO VIOLENCE ACT

Investigators have been unable to learn any particular act that Mallard might have committed to bring violence from the community. Mallard lived in Jacksonville, Fla., where he worked for Duval Casket Company and only rarely came to Toombs County except to spend week ends with his wife.

The Georgia Bureau of Investigation has reported no additional information on the case since the governor's office put a clamp on statements being issued through the Ku Klux Klan.

Confidential sources tell that Mrs.

being transported from Lyons, Ga., where she was held for nine hours after being arrested in Savannah, following the death of her husband. While the widow huddled in the woods in a downpour awaiting the bus to carry her back to Savannah, men carrying flashlights and torches combed the woods in frantic search for someone. This is credited with being largely responsible for the woman's acute hysteria.

TO TEACH LESSON

A new source at Lyons, has written that "the theme of the group of perhaps 10 men was to teach Mallard a lesson and frighten him into leaving the area."

"For some reason, they thought Mallard might have flashed a gun he was known to carry and one of the group might have fired hastily and killed him.

"The white men disappeared within a minute, without making any attempt to harm Mallard's wife or the three children."

'WOOL HAT GEORGIAN' HITS NEGRO'S KILLERS

ATLANTA, Nov. 25 (AP)—"A wool hat man from South Georgia" posted a $500 reward today for the slayers of Robert Mallard, Toombs County Negro, saying he believed in "white supremacy" but not in "murder and lynch violence."

Ralph McGill, editor of The Atlanta Constitution, revealed that the money was left with him to be paid upon the "arrest and conviction" of the killers of Robert Mallard Saturday night. He said the man described himself as a long-time supporter of Gov. Herman Talmadge and his late father, Eugene, and asked that his name be withheld "for the time being."

The reward giver was described as "a wool hat man, a believer in white supremacy, although a violent opponent of the Ku Klux Klan."

"This is a white man's country," he was quoted as saying, "and therefore the law is the white man's law. He wrote it. It is important that he live by it. No decent white man, no real 'wool hat Georgian' will support murder and lynch violence."

The victim of the ambush was shot on a lonely road twenty miles from Lyons as he returned with his wife, child and two others from church services.

Sheriff R. E. Gray of Toombs County said he expected to make two or three arrests in the case the week.

NAACP to Aid Ga. Lynch Prosecution

— W. W. Larsen

of Dublin, Ga., solicitor general of the Dublin Circuit, has been retained by the NAACP to assist in the prosecution of the men held responsible for the Nov. 20 Toombs County highway lynching of Robert Mallard. It was announced this week by the Georgia State Conference of NAACP branches.

William L. Howell and Roderick L. Clifton, charged with the murder of Mallard, will be tried at a special court term on Jan. 11. The two men were indicted before a special Toombs County grand jury on Dec. 11, following testimony by Mallard's widow securing them as the slaying her husband.

At its seventh annual meeting in Cordele last week, the Georgia State Conference of NAACP branches passed resolutions condemning the failure of State law enforcement officers to apprehend and convict those guilty of mob violence.

Signs Retainer

Mrs. Amy Mallard has signed an official retainer requesting NAACP assistance in bringing to justice to those responsible for her husband's slaying and in taking all steps necessary "to raise funds for . . . the support of myself and my children and the two material witnesses, William T. Carter and Angeline Carter, until we can re-adjust ourselves."

Commenting on the most recent developments in the Mallard case, NAACP Special Counsel Thurgood Marshall declared, "The NAACP will press for vigorous prosecution under indictment in State courts but at the same time will not deman is insistence that

2 WHITES INDICTED IN GEORGIA KILLING

Early Trial Slated in Ambush of Negro—McGill, Editor Closeted With Jurors

LYONS, Ga., Dec. 10 (AP)—Two white men were indicted on murder charges today in the ambush slaying of Robert Mallard, Toombs County Negro.

A special grand jury returned true bills after hearing an account of the slaying from the victim's widow. The panel named William L. Howell, 32 years old, a farmer, and Roderick Clifton, 36.

Judge Robert H. Humphrey announced the two would be tried at a special session of Superior Court already called for Jan. 11.

No charges were brought against James Spivey, 24, who also has been held in jail. Sheriff R. E. Gray said he would be released.

Mr. Howell, Mr. Clifton, Mr. Spivey and two other white men surrendered earlier when reports circulated that the widow would name robed but unmasked men as the slayers of her husband.

Mrs. Mallard had signed a warrant charging Mr. Howell with murder. Mr. Clifton and Mr. Spivey were held with him pending the grand jury's action. The two others were released.

Mr. Mallard, prosperous 37-year-old salesman and owner of a 32-acre farm in Toombs County, was slain Nov. 20. 12-11-48

After the jury began its hearing today it remained closeted with Ralph McGill, editor of the Atlanta Constitution, for 45 minutes. Mr. McGill has been highly critical in his editorial column of what he called the apparent "reluctance" of Georgia authorities to bring to justice those guilty of the slaying.

The editor, who served as an intermediary for an anonymous donor of a $500 reward for the arrest and conviction of Mr. Mallard's murderers, said he cited to the jury a provision of the United States Code "which makes it a Federal offense for persons to go in disguise on the highway or on the premises of another to deprive any citizen of any of the rights secured to him by the Constitution and the laws of the United States."

Mallard Owned Enviable Farm

stocked with fish, and in addition to that it offers excellent swimming facilities. Several whites had sought to lease it, others to buy, and several Negroes wanted to develop it into a picnic ground. Mallard is said to have resisted all these efforts although he permitted his neighbors to use it for both purposes. Fri 12-3-48

Other economic factors bolt into the spotlight. It is the prevailing wage scale for Toombs County which approximates $1 per day for women and $3 per day for men.

SERVICES SOUGHT

Several farmers had repeatedly sought the services of Mallard's step daughter, Doris Elizabeth Byrom for work in the fields and since the young woman was a student at Georgia State College, the family felt her abilities called for more than farm work.

Thus, came the label that Mallard was "biggety." Added to this was the fact that Mallard toured the area as a salesman. He was a hustler, made a good appearance, sold his merchandise to Negroes and whites, and got a "corner" on markets in an area where a Negro had never been inspiration to other Negroes an economic threat.

What's more he was becoming an and this factor perhaps was his

Someone suggested Mallard might be able to make change and he did, but in the process showed a roll of bills

It was about 10:45 when the social was over. The Mallards decided to visit another school social nearby. After a pause there they started home. They chatted merrily over the events that had transpired that evening as they rode

Then there was a car on the road parked. Lights blinked as they passed. Down the road was a blockade. Men poured from the vehicle. Mallard idled the motor and suddenly decided to force his way around the blockade but the motor choked and men swarmed over the car.

In the heart of the city of Lyons, which the railroad tracks split like a ruptured wound, Negroes opened new cafes. There was talk of more expansion. Negroes were awakening. So fires were burning, three stores wrecked this Mallard was burned to the ground. The stores were a week after the end is in the offing. The

Some women were responsible?? Mallard taught. Several of November 20 a Mallard made one of his unscheduled weekend visits home and by the time the social. The

OWNED WATERWAY

Yet, Mallard's wife owned a farm and in addition to its fertility, was its accessibility. The farm was approximately 9 miles from Vidalia and only six miles from Lyons. Now on the Mallard farm was a lake and since the Mallard farm adjoined the property of William Tim Carter, they both jointly owned the waterway.

WEEKEND VISIT

Mallard made one of his unscheduled weekend visits home and by the time the social. The

PAYING OFF

week's work. New enterprises meant for the turpentine camps were attracted and they asked their foreman to meet them and pay them for

BUT

nance attended the hites were paying off, but chance

The Mallard-Carter lake is well-

Mallards Unflinchingly Face Bleak Future

SAVANNAH, Ga.—"Although we shall never be able to live there again, we will not sell the place—at least not now. The farm will grow up in grass, but we'll keep it for a memory."

Thus spoke Doris Byron, daughter of Mrs. Amy Mallard whose husband was shot to death by a mob of white men on the night of Nov. 2 near Lyons, Ga.

Miss Byron is a junior at Georgia State College and since the killing has been unable to attend class regularly.

"Mother is still worried. She needs me," Miss Byron said. "All of us are upset. We have made no plans as yet. Frankly, I don't know what we'll do." She paused for a few seconds, then continued:

"Mother has been given the privilege to work and live in Georgia, but it looks like we may have to leave the State in order to feel safe again." Miss Byron's mother is a school teacher.

When asked about the slaying Miss Byron said that she was not there, but her mother had been able to recognize William L. Howell because he was so close to the car. Mrs. Mallard has sworn out a warrant for his arrest.

"When we went back to Lyons to sign the warrant," said Miss Byron, "there were about forty white people waiting around to witness it. I don't know what will happen if the trial is held there."

State troopers accompanied the party to Lyons for protection.

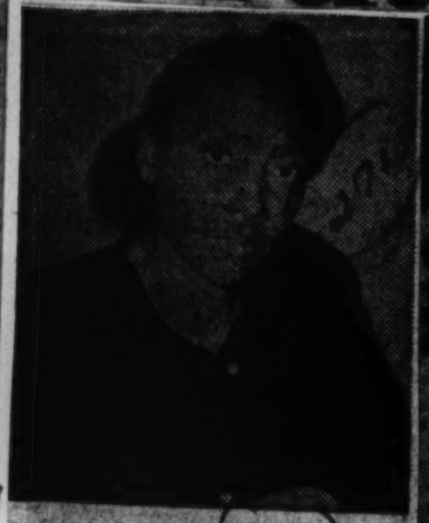
According to Miss Byron, word had gotten around to the effect that Negroes who dared to vote would be taking their lives into their own hands.

"We were called 'Communists' although we are registered Democrats. Some of the white people hated us because we had property, a car and a little money."

Asked what she thought about Mr. Goldwasser's visit (Mr. Goldwasser is a prominent Cleveland, Ohio, business man who came to Georgia on his own accord to investigate the slaying), Miss Byron replied:

"I believe Mr. Goldwasser has done a lot of good. He was the first person to carry the case directly to Governor Talmadge. He also gave us some money and is trying to hire former Governor Arnall to fight the case in court. He said that he himself would pay Mr. Arnall."

Miss Byron expressed appreciation for the kindness and support given them by local and national organizations and also by individuals.



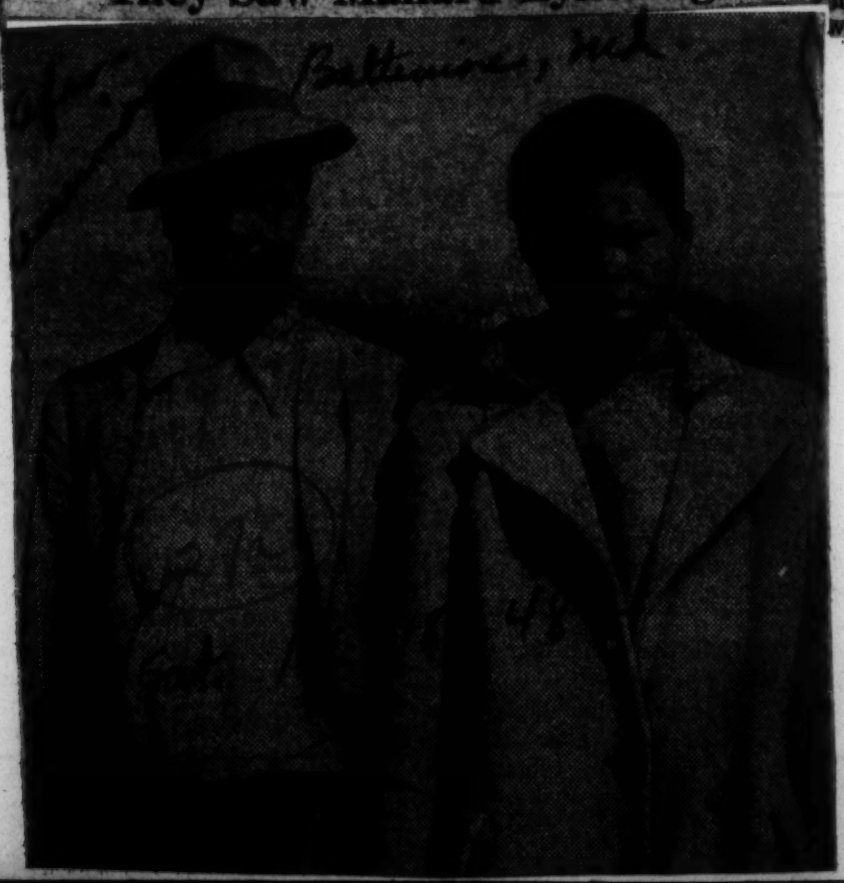
MRS. AMY MALLARD . . . Was leave Georgia

PATROLMAN AND MRS. MAL-a patrolman of the Georgia High-LARD—Mrs. Amy Mallard, widow way Patrol as she came from Sa-of the Moultrie [illegible] lynching vannah to Lyons where a grand victims, is shown [illegible] jury will be called by jury probe the atrocious November 20 crime. — (INP).

7693

MRS. MALLARD SWEARS OUT WARRANT—Mrs. Mattie Mallard swears out a warrant seeking William Lamar (Spud) Howell, in the mob slaying of her salesman-husband, Robert Mallard on November 20. A brother, Ben Mallard, stands beside his school-teacher sister-in-law. Howell is pictured right.—(INP).

They Saw Mallard Lynching



William Tim Carter, 18, and Angeline Carter, 13, have been in and out of Toombs County Jail since the lynching of Robert Mallard. They were on the scene when Mallard was shot. (See story)

7694

RALPH McGILL

A Quiet Political Essay

I don't know Herman Talmadge, Governor of Georgia, very well. In all my life I have talked with him but a few times, and then briefly. I knew his father a lot better. He was a character, as they say, and a political power moulded by his times, just as Hague and Kelley and Flynn had been moulded by their States, their populations and by those pressures one met in the job of winning elections.

His son has been Governor of Georgia about a month now. He owes me nothing. I owe him nothing. I hope he makes a good Governor. I believe he wants to be one, and I want to discuss it.

His start has been interesting. His appointments were good. When the Toombs County, cold-blooded murder came across his desk, he ordered an arrest to be made "regardless of who did it, regardless of color or the persons involved." That surprised a great many persons.

Then There's Cleveland, Ohio, man got mixed in the case. Apparently he thrust himself in against the wishes of the Negro attorneys and personalities involved. (Apparently there are no wrongs to be righted ir Cleveland. Things are so perfect there that Mr. Goldwasser must go about the country, like Don Quixote, searching for things to set right.) It was his idea to bring the widow to the capitol in Atlanta to demand protection.

When I heard about it I sat back to see what would happen. I was pretty sure the journey to the Capitol to demand protection was a publicity plot and, from that viewpoint—it was a good one.

(I also began to send out inquiries about the background and affiliations of the gentleman who staged it. No answers are back as yet.)

Wager I made a modest wager with myself that they would get to see an aide. I was wrong. The Governor saw them and he promised protection. The Ohio visitor came out saying that Georgia had a great, progressive Governor in whom he had implicit trust.

That told me that the new Governor is even faster on his mental feet than report had it. If it was a publicity maneuver he turned it into publicity for himself.

His closest supporters argued all along he had the quality of finesse. His father had no more finesse than Harold Ickes. Maybe not as much. Confronted with a similar situation he would have had the Ohio visitor issuing statements which would have cracked every paper in the country and aroused the editorial writers to critical comment of himself and the State.

This Gov. Talmadge made all the wire reports as the chief beneficiary of whatever publicity there was in it. And the State of Georgia looked pretty good, too.

Advice All of this is very interesting. I don't know who is advising him—if, indeed, anyone is. You don't learn finesse through advice. You either have it or you don't. His friends say no one is advising him, that he needs no Emily Post on political manners. I string along with that opinion.

There isn't any reason why we can't go ahead and let the world know that when a man is murdered in Georgia his murderer is going to be arrested and tried. There may be differences of opinion on other matters, but on murder or lesser violations of the law there can't be any argument. It isn't a racial matter. It is a matter of law. That isn't liberalism. That's just sense.

It won't cost any votes to have men tried for murder. Even if they are men who carry precincts. Failure to do so costs more votes. No matter if the murdered man be a Negro and an unpopular Negro at that. The law has got to be made, and kept, supreme.

Jobs I try to keep an ear to the ground. And I hear he is doing a good job with the job hunters. A racket in jobs had grown up in Georgia.

It will shock most Georgians to know that men are now coming in and asking for jobs which will pay around $300 a month and which won't require a man to lose any time from his business. Yet, such jobs have existed. Men drew money from the State for jobs which required only an occasional report or a trip to the Capitol.

These jobs are being abolished. Some few have complained, saying, "You have got to run for something in 1950."

But the "pension" jobs are abolished.

That, too, is good. It will be even better and the air even fresher, if the Klan boys are made to learn that their philosophy of being above the law, and beyond it, won't go. Maybe they will.

Anyhow, Georgia's new Governor has made a fine start. He owes me nothing, save what is owed any citizen. I owe him nothing save that any citizen owes the Governor of his State. I have no influence with him, and have not sought to have any. Therefore, I can write honestly that he has made a fine start and a somewhat surprised, but gratified, State and nation are looking at him anew, busy revaluing opinions, and hoping the rest of the script is as good.

RALPH McGILL

A Great Moral Victory

In a way it is a heartening thing to see a community in a winning struggle with its conscience. I have just seen that in Toombs County—where there are as many fine people—town people and farmers—as there are anywhere else in the South. Its homes, gardens, churches and its good will stamp it as a good county.

Suddenly, without warning, they awoke to find themselves in the spotlight of a racial killing. This is not a comfortable spot, as Atlanta itself knows, looking back on its riots of more than 40 years ago, and as many another town and city knows in more recent years.

Toombs County, with a grand jury whose very appearance gave confidence that they would stand by the law, no matter what the pressure from traditions and politically influential families, met the issue with two indictments. It was not easy for them. Their community had been subjected to more than ordinary criticism because of a quoted remark by one of their local newsmen that the killing was "just another nigger killing" and therefore not important enough to be published. The county had suffered, too, because of a long delay and a somewhat puzzling slowness in developing the case. (The grand jury was not in session.)

Character But the real character of the county and the people is reflected in the action by the grand jury. I was complimented in being asked to come before it. I was told by some that the subpoena was issued maliciously because of anger aroused by newspaper criticism. This I am loath to believe. That there was resentment because the case had been widely publicized, even in the Soviet Union, I could understand. The spotlight in such crimes is not comfortable and public discussion always contains enough errors to cause anger in persons already made sensitive. But it was interesting to note that everyone realized the case had attracted international attention.

The effort to rationalize, or explain it, follows a pattern. In our hearts we know what is right and wrong, but we are always eager to find some reason—outside meddling, the character of the dead man, the Northern interference, gang warfare, and so on, to explain why we are reluctant to do what we know to be our duty. And also there is almost inevitably the few who will say, of racial killings, "there wouldn't have been more than a line or two if a white man had been killed." That isn't true, of course, as the pages of any news publication will reveal. In the spotlight's glare a man tends to think it the most unfair he has known.

Answer There is an easy answer. Any killing in which the person murdered is done to death because of his color, religion, or race is vastly different from an ordinary killing. In Toombs County the man killed would not have been slain had he not been a Negro. There would have been no attempt to scare him into leaving the country if he had not been a Negro. Therefore, when the killing was done it took on a different character from that of a killing growing out of theft, a quarrel, a drunken brawl, a love affair or a desire for revenge. That is a simple rule to remember. If the person killed would not have been killed had he been of another race, religion or color, then it is a different sort of crime.

Dilemma What Toombs County was up against, with a man dead who would not have been dead had he not been a Negro, was made the more difficult by the fact the dead man was immensely unpopular with fellow Negroes and was generally distrusted and disliked. That the indictments should have been returned, on the basis of evidence given largely by Negroes, is significant. It is a great moral victory for the county.

The American dilemma, in essence, has been described as the conflict between the treatment of the Negro and the American creed, which is based upon the dignity of the individual, the equal rights of all men, and the factor in our lives we stress the most—the inalienable American right to freedom, justice and fair opportunity.

Search This dilemma has driven the nation to soul-searching and to legislation. It has given the Christian church—and continues to give it—much embarrassment and concern, and it is a hair shirt which the church must wear until some solution is reached.

No other nation has ever been confronted with such a dilemma. A few had minor [illegible] time, has there been [illegible] seek to resolve. [illegible] heaviest part of the [illegible] critics, the stupid [illegible] do not make it any [illegible]

This wrestle between our creed and the facts is being resolved. Again I say, Toombs County has won a great moral victory. There will be soreness left for a while. But when there is time to see it in perspective, Toombs County will see that it has done a fine thing for the State and for the South. And it will see, too, that after all it wasn't so very hard to do.

Mallard/Case (27a)

Editor Constitution: As a Southerner and a Georgian, I feel that a reply should be made to "Disgusted" in a recent paper. I don't know where she is from—certainly not Georgia, although her address is Atlanta. Perhaps she is a friend of Goldwasser—if so, she should go back to Ohio with him. Mrs. Georgia, although [illegible] haps she is a friend of many Geor- [illegible] should go back to [illegible] S. Yates expressed the feelings of many Geor- [illegible] gians and myself, in her "Blackmail" story, and I want to congratulate her for the Mallard case. I think that everything is being done that can be done to bring the guilty one to justice. It takes time for these things to be accomplished, and I think our Governor, Herman Talmadge, is very capable of handling the situation without any help from the East or the North. In fact, much time and money being spent

of clear up this case as has been spent on any of the other brutal murders that have occurred.

If Georgia is so narrow-minded and needs reforming so badly, why are more and more people from the North coming here to find sites for industrial plants, etc.?

Speaking of publicity, there is another thing that burns me up. That is the picture "Tobacco Road." If there ever was a farce, that is it. I have lived all over Georgia, from 'way up in the mountains of North Georgia to the seacoast, and I have never seen any characters such as is portrayed in "Tobacco Road."

I think I express the wish and sentiment of most Georgians when I say we wish the people from other states would attend to their own affairs and leave ours to our Governor and ourselves. If everyone would attend to their own business, then everyone's business would get attended to.

I suggest that Mr. Goldwasser go back to Ohio and see about his department store and leave Georgia to Mr. Talmadge!

MRS. JAMES R. GRANT.

A Triumph for the South

Yesterday's late editions of The Constitution carried two significant headlines:

TOOMBS INDICTS TWO IN MALLARD DEATH

and

RUSSELL PLEDGES FIGHT ON CIVIL RIGHTS PLANKS

There is an inescapable connection between the two.

For it is evidence of willingness to live up to our responsibilities such as the Toombs County Grand Jury demonstrated which will most effectively bolster the position which Sen. Russell has taken.

There could be no more persuasive argument against a Federal antilynch law than such concrete indications that the South is mindful of its obligation to protect the lives of its citizens, black or white, and that it does not hesitate to indict and try those charged with such crimes regardless of the color of their skin or the degree of their political prominence.

Those Toombs County citizens who returned a true bill against two well-connected white men named by the widow and two kinspeople of the slain Negro have done much to vindicate their immediate community in the eyes of the world. And certainly it was to their interest to do so. Both Lyons and Vidalia have grown remarkably in the past several years. New industries have been added and there is every indication that more are on the way. It would have been an almost insurmountable handicap to the county in its continuing efforts at greater progress and prosperity had it not moved to allay the impression that, for all its economic development, it was a benighted area where violence is condoned as "just another nigger killing."

We are glad, for Toombs County's sake, that its Grand Jury had the conscience and the courage to take the action it did.

But considerably more important, from the State and the South's point of view, is the fact that once again a Southern community is evidencing an ability and a willingness to administer equitable justice locally, without Federal aid or interference.

Widow Sobs Hysterically, Giving Story

LYONS—(AP)—Two white men were indicted on murder charges yesterday in the ambush slaying of Robert Mallard, Toombs County Negro.

A special grand jury returned true bills after hearing a hysterical account of the slaying from Mallard's widow.

It named William L. Howell, 32, a farmer, and Roderick Clifton, 36.

Judge Robert H. Humphrey announced the two would be tried at a special session of Superior Court already called for Jan. 11.

No charges were brought against James Spivey, 24, a third man who had been held in jail. Sheriff R. E. Gray said Spivey would be released immediately.

Howell, Clifton, Spivey and two other white men surrendered earlier when reports circulated the widow would name robed, but unmasked men she claimed slew her husband.

The Mallard woman had signed a warrant charging Howell with murder. Clifton and Spivey were held along with him pending the grand jury's action. The other two were released.

Mallard, prosperous, 37-year-old salesman and owner of a 32-acre farm in Toombs County, was slain Nov. 20.

After the jury began its probe yesterday morning, it remained closeted with Editor Ralph McGill, of The Atlanta Constitution, for 45 minutes—longer than any other witness, including Mallard's widow.

McGill has been highly critical in his editorial page column of the apparent "reluctance" of Georgia authorities to bring those guilty of the slaying to justice.

His precise connection with the case is obscure. He served only as an intermediary for an anonymous donor of a $500 reward for the arrest and conviction of Mallard's slayer.

McGill issued the following statement last night from Macon:

"In my appearance before the Toombs County Grand Jury I gave the jury information obtained by investigation made by persons from Atlanta. These statements contained no startling information but the foreman declared them helpful. The jury impressed me as being sincerely interested in trying to obtain all possible facts.

"I also cited to the jury the provision of the United States code which makes it a Federal offense for [illegible] to go in disguise on the highway or premises of another to deprive any citizen of any of the rights secured to him by the Constitution and the laws of the United States." This section is quoted as follows:

"'If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same, or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than $5,000 and imprisoned not more than 10 years, and shall, moreover, be thereafter ineligible to any office, or place of honor, profit, or trust created by the Constitution or laws of the United States.'

"I also told them I had information that on the basis of this code section and on the basis of the original statement by the Sheriff, efforts were being made to have the Federal Department of Justice assume jurisdiction in the case.

"I also repeated the oft-published opinion that the South can make itself immune to Federal interference only by upholding the supremacy of the law."

The jury called the widow into the jury room for 15 minutes yesterday morning and for another 15 minutes yesterday afternoon.

Other witnesses questioned briefly included Frank Brinson, the first white man to reach the scene after the slaying and two Negro children, Angeline Carter, 13, and William Tim Carter, 18.

The Carter children were occupants of the Mallards' car at the time of the slaying.

Just before the jury convened, McGill released the contents of an anonymous letter postmarked in Lyons Dec. 6.

The letter read:

"We are scared. Last Tuesday night, John Baker's place burned up and last night two more colored places burned. W. M. Lockey and Mose Brazios places on the same street. They say we are too close to white folks.

"We have lived here for years and we do not have no place to go. We do not know what to do. We have no rights. Help us if you can. God knows we do not bother the white folks."

Toombs County Sheriff R. E. Gray, who also was in charge of the slaying investigation, said two of the fires were caused by defective wiring. The cause of the third, he said, is unknown.

One week after the slaying Mallard's widow was arrested and charged with her husband's slaying as she left his funeral in Savannah.

She was whisked off to Lyons and questioned for nine hours. She then was released and left to make her way alone to Savannah.

Subsequently the charges against her were dropped.

The investigation lagged until the arrival about a week ago of a Cleveland, Ohio, business man, Joseph M. Goldwasser.

Goldwasser, who said he was interested only in "goodwill and justice," obtained a signed statement from the widow in less than 24 hours naming two white men as her husband's killers.

Goldwasser then made a flying trip to Atlanta, turned the information over to Gov. Talmadge and returned to Cleveland. The Ohioan is a member of the National Association for the Advancement of Colored People.

The Goldwasser information was turned over to the Toombs Coun-

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RALPH McGILL

Now Comes Murder in Toombs

Here of late it has been possible to see, and feel, a turn in the national concept of the Southern racial problem. Collier's Magazine, the New York Herald Tribune, and various other well-known Eastern magazines and newspapers recently have published excellent, intelligent and constructive comment on the South. The suspension of a Phi Kappa Psi national college fraternity chapter in an Eastern college for initiating a Negro student focussed attention on the fact that racial prejudice is not restricted to the South.

All that is good grit for the national craw which for too long has been trying to digest a tough problem without the necessary digestive elements.

Murder But now comes the murder near Lyons, Ga. A Negro was stopped by a road block. A shot was fired through the windshield, killing him in a wanton, cold-blooded manner. His wife and other witnesses have identified at least one of the men.

But, what happens?

Nothing at all. No one is arrested. The murder was more or less suppressed for four days. There is good reason to believe that had the newspapers not dug it out—and the Associated Press deserves a good hand for its job—no legal action would have been attempted by anyone concerned. It would have "blown over." It may do that anyhow.

Now the sheriff says, according to quotes from reporters, that if no warrants are sworn out the evidence will be submitted to a February Grand Jury.

It is precisely this sort of thing the nation cannot understand. The nation knows that had a white man been shot in cold blood by a Negro there would have been no such delay. John Doe warrants would have been immediately issued and the entire machinery of the law would have been set in motion. The bloodhounds and the posse would have been out, night and day, until the guilty were apprehended or all possibility of capture exhausted.

Why? In the name of God, then, why cannot the law operate equally to protect all citizens?

That's the question the nation asks and that's the question the nation has a right to ask.

It is such a travesty on justice and the operation of law that the Russians use it in their newspapers to say to their people that in America a man may be murdered because of his race. It is such an obvious reluctance to apply the same vigor to bring a killer to jail as would have been applied were the dead man a white man, that the next Congress will surely pass some sort of anti-lynch legislation. That it will subject sheriffs and other law-enforcement officers to some penalty of Federal law is probable.

This has no element of social equality or mixing of the races. It is simply a case of murder and as a self-styled "wool-hat" man said, in offering a reward, the white man wrote the laws and they are the more, therefore, for him to obey, and he, too, is subject to their penalties.

Reason At any rate, here in the nutshell of the murder near Lyons, is the perfect illustration of why the South too often is presented to the nation as a region which flouts its own laws and is not interested in applying the penalty of law to killers if the dead man be a Negro. People have a right to ask why the whole power of the law-enforcement officers of the county was not thrown into the case; why the dogs were not out; why a posse was not organized. This is America, a nation built on law. The law-enforcement policy in this case has hurt the South badly. There is no escaping that fact. And there is no excuse that can be made for it.

Shame There was another aspect of the case which was shameful. The original investigating officers for the State apparently were first interested in clearing the Ku Klux Klan. This does not appear to be a Klan killing, although it is exactly in the Klan pattern. But it will be very interesting to learn if the killers are ever brought to justice, whether they are members of the Klan. One might safely wager great odds they are members.

There is a relatively large Klan element in the county of which Lyons is the county seat. And already the city and county are learning that the Klan and its philosophy are a cancer which corrupts all it touches.

Certainly the good people of the city and county do not approve of what has happened. The ministers, the church members, the thoughtful citizens know that equality before the law is the foundation stone of our civilization. But the Klan element already has formed a curtain between the decent Christian will of the people and exact justice for all. That certainly is un-American.

Failure We simply cannot say to the nation that we will work out our complex problem honestly and justly if let alone and then allow such a thing as this murder to be handled as it has been—and is being—handled.

Finally, there will be the inevitable query from a few who will ask why all the excitement, and why a killing by a Negro is not given as much attention. The answer is easy. This man was killed because he was a Negro. The current report is he owned land he wouldn't sell. Also, when there is a killing or a crime by a Negro, the law immediately begins vigorous and intensive action to bring the guilty to justice. If this were not so there would be equal excitement and comment about it. If a sheriff were to say, after a murder by a Negro, that he would make an arrest of the man or men reported to have done the murder if someone would please swear out a warrant, he would be ousted from office, if not run out of town. There is a great difference and only the willful will ignore that difference.

What has happened not only is wicked and wrong, it just doesn't make sense. It has hurt Georgia and the South and it is the sort of illogical action that cannot in any sense be excused.

Toombs Widow Poses Warrants in Slaying

SAVANNAH—(AP)—A member of the National Association for the Advancement of Colored People reported last night the widow of Negro Robert Mallard had signed a statement naming her husband's slayers.

Jos. Goldwasser of Cleveland, Ohio, said warrants for the arrest of two white men would be sworn out soon by the slain man's widow, Amy James Mallard.

Goldwasser said he was representing the Cleveland and the Georgia State branches of the NAACP.

The Cleveland, president of the Peerless Department Store, said she promised to swear out warrants for the men named in her statement as soon as she was guaranteed adequate protection.

GBI Lacks Evidence For Arrest—Talmadge

By THE UNITED PRESS

Gov. Talmadge said yesterday that his Georgia Bureau of Investigation does not have enough evidence to arrest anyone for the murder of Negro Robert Mallard.

When and if it obtains such information, and the local prosecutor at Lyons feels he has a strong enough case to take to court, "the GBI stands ready to make all such arrests as may be indicated," the Governor said.

The investigation of the ambush-killing of the 37-year-old Negro mortuary supplies salesman appeared to have bogged down.

Sheriff R. E. Gray at Lyons, seat of Toombs County, where Mallard was killed, said he was prepared to ask a Grand Jury for indictments against a number of white men who may have been involved.

The next Grand Jury does not meet until February although a special term can be called.

Gray said he still hoped Mallard's widow, who is hiding out in Savannah in fear of her life, would swear out warrants against men she identified by name as being mixed up in the killing.

Amy Mallard's attorney, Aaron Kravitch, contended the crime called for public, not private prosecution.

Talmadge said frankly that his GBI, the detective branch of the State Highway Patrol, had run up a blind alley.

George Wilson, State Director of Public Safety, and Capt. Dal-mar Jones, head of the GBI, advised the Governor they have not been able to get enough testimony to bring the case to court.

Residents of the slaying area were described as most reluctant to talk.

Captain Jones assured that "my men are going ahead with a thorough investigation of the Toombs County slaying."

But, he added, "we do not intend to supersede the authority of Sheriff Gray, but will assist him in every way to bring the case to a successful conclusion."

Under the law, Jones said, Sheriff Gray could swear out a warrant or warrants himself.

Talmadge said if Mallard's widow wants police protection "it certainly will be provided." The woman is under a doctor's care for hysteria at the home of friends in Savannah.

Mallard's slaying has been called a lynching by the Tuskegee Institute in Alabama.

What right have we to object to Federal officers at least trying to stop the spread of mob-murder in Georgia if time and again we demonstrate that we are completely incapable of doing it ourselves?

Mob Murder Once More

It may be only a coincidence that Toombs County, where a band of masked men reportedly lynch-murdered a Negro as he left church with his wife and children, is adjacent to Montgomery, where a few days previously a jury had freed a pair of white men charged with killing a Negro who had the audacity to vote in the September primary.

However, the fact remains that until the law proves itself capable of punishing the perpetrators of such bloody outrages, lawlessness will multiply. Indeed, it is only a question of time, if wanton killings of Negroes are tolerated, until emboldened hoodlums start shooting down white citizens on the streets, for instance, of Lyons and Vidalia.

Crime, unpunished, begets worse crimes.

That is why Gov. Talmadge has ordered the Georgia Bureau of Investigation to make a stringent investigation in Toombs County.

That is why Sen. Russell told Constitution Reporter Albert Riley he was shocked at the news and deplored it.

Well does Sen. Russell realize that murdering morons responsible for the murders have done more to enact the anti-lynch law and create anti-Southern force than all the radicals of the East.

Such crimes, unpunished, are a more compelling force for the Civil Rights program—which those who committed them State fails in its primary responsibility, doubtless consider Anathema—than Presi[illegible] that of protecting the lives of its citizens.

Toombs Widow Cleared; Arrests Hinted

LYONS—(AP)—Sheriff R. E. Gray said last night murder charges against the widow of Negro Robert Mallard were being withdrawn.

The Toombs County officer said new arrests would be made as soon as warrants were sworn out, probably today.

Mallard's widow and two other Negro witnesses have contended Mallard was killed by a band of armed, robed white men.

The Sheriff reported that his investigation indicated the woman had nothing to do with the slaying and it now was following the Negro witnesses' accounts.

Gray's surprise announcement came a few hours after Gov. Talmadge said he wanted the killers arrested regardless of "what color they are or who they are."

The Negro was killed around midnight Nov. 20. The Mallard woman reported she recognized one white man and the automobiles of two others when she, her husband and two other Negroes were stopped on a lonely road near their home.

The widow, a school teacher, was arrested on a murder warrant in Savannah Saturday as she left her husband's funeral.

She collapsed with hysteria after screaming, "He was killed by hooded Ku Kluxers" and was brought back to Lyons for questioning.

She was released without bond nine hours later in custody of her Lyons attorney, Ellis Pope. Capt. Delmar Jones, head of the Georgia Bureau of Investigation, said she was freed to attend burial services at Griffin.

Since that time she has been in secret hiding at Savannah in the care of another attorney, Aaron Kravitch, of Savannah.

Grand Dragon Samuel Green of the Ku Klux Klan, has said the robed empire was not involved in the slaying. He quoted Sheriff Gray and State Patrol Sgt. J. W. Robertson as saying the Klan was wrongly accused.

Lt. W. E. McDuffie, of the GBI, who arrested Mallard's widow, also reported he did not believe the Klan was implicated.

Kravitch said the woman might have been mistaken about the Klan because her description of the garb of the attackers did not tally with Klan regalia.

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FARMER LYNCHED?

Murder Charge False, Negro's Widow Asserts

SAVANNAH, Ga.—A negro teacher accused of murdering her husband charged that the Georgia State Bureau of Investigation is trying to make her a scapegoat to cover up the lynching of her husband by a group of robed white men.

With a white attorney beside her, she faced newspapermen in a hideaway and named two prominent white landowners of Toombs County, as among the robed men who shot her husband to death in a churchyard near Lyons, Ga., on Nov. 20.

SHE IS Amy James Mallard, about 40.

She was arrested and charged with murder here Saturday when she appeared at funeral services for her husband, Robert Mallard.

She had previously been missing since the night of her husband's slaying, when she told sheriff's deputies about an attack by robed men on the car in which she and her husband were riding.

She said here she was taken by State authorities from Savannah to Lyons—a distance of 100 miles—Saturday night.

On her arrival at Lyons she was inexplicably set free, despite the murder charge and told to return to Savannah by bus, she said.

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FEARING AN AMBUSH she said, she fled from the bus station and spent the night in the woods. Friends took her to Savannah.

The slaying occurred, Mrs. Mallard told reporters, because neighboring white farmers were envious of the prosperity of her husband and himself.

"They resented us," she said.

THE SHERIFF reported that his investigation indicated that the woman had nothing to do with the slaying and that it now was following the Negro witnesses' accounts.

Gray's surprise announcement came a few hours after Gov. Herman Talmadge had said that he wanted the killers arrested regardless of "what color they are or who they are."

The Negro was killed around midnight Nov. 20. His widow reported that she recognized one white man and the automobiles of two others when she, her husband and two other Negroes were stopped on a lonely road near their home.

The widow, a school teacher, was arrested on a murder warrant in Savannah Saturday as she left her husband's funeral.

Free Widow in Slaying of Negro

LYONS, Ga.—(AP)—Sheriff R. E. Gray said murder charges against the widow of Robert Mallard, Negro, were being withdrawn.

The Toombs County officer added that new arrests would be made as soon as warrants should be issued, probably Tuesday.

Mallard's widow and two other Negro witnesses have contended that Mallard was killed by a band of armed, robed white men.

Two Clippings

From The Atlanta Journal we clipped an editorial about a Negro bank being admitted to the Federal Reserve System. Ninety-eight per cent of the stock is owned by Atlantians. It has resources of $4,000,000 and 10,500 depositors—some of them white persons.

The Journal said that Negroes had a purchasing power of approximately 100,000 in metropolitan Atlanta, which showed what could be achieved. The bank's president said, "We could not have asked for better treatment."

That appeared a significant and happy development to us. It is the kind of thing that is happening in Alabama in, for example, the Canebrake, where white bankers consider Negro dairymen good loan risks. It is the kind of thing that the South can point to to reassure other regions about race relations and civil rights.

But before we could reproduce The Journal's editorial, The Atlanta Constitution came to hand with its disturbing charge that what appears to be a daylight lynching of a Negro man, possibly by the Klan, is being handled in such a way as to become a "travesty on justice."

The widow of the Negro who was ambushed at Lyons, Ga., Oct. 20, said that it was done by white robed men. Later, she herself was charged with the murder. Reporters looked into that phoney and nine hours later the woman, a school teacher, was released. That made it appear not only a murder, but a frame-up of an innocent person.

As matters stand now, Gov. Talmadge acknowledges that the investigation has produced little.

"Had a white man been shot," said The Constitution, "the bloodhounds and the posse would have been out night and day until the guilty were apprehended or all possibility of capture exhausted."

This occurs at a time when the South is trying to ward off such federal interventions as an anti-lynching law. The assassins of this Georgia Negro have done more than ever could President Truman to further enactment.

The Negro bank with 10,500 depositors thrives and has its great significance, but scores of such banks are less impressive than the murder of this Negro. It is indefensible.

Ohioan To Take Slaying Of Mallard to Talmadge

SAVANNAH, Ga.—Joseph M. Goldwasser, the Ohioan who came to Georgia to see about justice in the murder of Negro Robert Mallard, has declined to carry the case before Gov. Talmadge.

Mallard was shot to death from ambush near Lyons, Nov. 20. His widow, Amy James Mallard, said he was shot by robed white men "for no reason whatsoever."

The widow was arrested and charged with her husband's murder a week after his death. Subsequently she was released without bond.

The Georgia Bureau of Investigation said it did not have enough evidence to take out warrants. Sheriff R. E. Gray of Toombs County said he would not—that it seemed to him "some of these Negroes ought to."

Goldwasser, Cleveland, Ohio, department store owner, interested himself in the case after reading a news story which said Gov. Talmadge had called for the arrest of the killers.

Goldwasser is a member of the Cleveland branch of the National Association for Advancement of Colored People. But he said he is acting as an individual and is not representing any organization.

He said he would place all information available—including a statement from the widow naming two white men as the killers—before the Governor this morning.

Aaron Kravitch, attorney for Mallard's widow, has taken the position that it is not up to the widow to take out warrants in "a case of public concern."

Both Goldwasser and Kravitch said if no action is forthcoming from the GBI or Governor they plan to take the case into Federal courts as a violation of civil rights.

Goldwasser said if necessary he would spend "thousands of dollars to see that justice is done and if it will come through the Georgia authorities, well and good.

hatched out of. We have a Mason-Dixon Line and we don't need such as the hooded KKK to remind us. Of course, the Ku Klux Klan is a crime breeder and also racial hatred breeder. I don't see why a citizen of good old America and the State of Georgia, if they will think, will belong to such an order as the KKK. We elect our Governors and lawmakers and law enforcers, why can't we have confidence in them instead of having a crime-breeding order to robe themselves to scare people to get them to do something or keep them from doing something. The Supreme Court ought to bust this KKK egg and stop crime and lawbreakers from hatching. Let us Georgia citizens stand behind this South Georgia "Wool-Hatter" and help stop murder and lynch violence.

ANOTHER WOOL-HAT GEORGIAN.
Lyerly.

TOOMBS COUNTY VICTIM—Robert C. Mallard

cover up [illegible] mob violence through intimidation of witnesses.

Mrs. Mallard was taken into the custody of the GBI in the automobile in which her husband was killed. An employe of the funeral home who was driving the Mallard car had been instructed to drive to the police station after the funeral. The GBI men were waiting there and took her into custody.

STATEMENT TIMING

Peculiarly the arrest was timed with a statement coming from Dr. Samuel Green, Grand Dragon of the Ku Klux Klan, issued in Atlanta. The Klan leader declared that a "thorough investigation" has absolved the Klan from any blame in the killing."

Similarly, GBI Lieutenant W. E. McDuffie, who arrested Mrs. Mallard, said in Savannah it was his opinion "the Ku Klux Klan has been wrongfully accused. It is our belief that they had no part in the slaying of Mallard."

Governor Herman Talmadge, after ordering state forces to make a thorough investigation of the killing, Friday had hinted a sensational break in the slaying investigation.

The editor of the Lyons Progress, published in Toombs County's seat of government, had offered to give $500 to anyone who could prove Mallard was killed by white men.

CLAIM THOROUGH PROBE

Klan Dragon Green claimed that his "thorough investigation" of the purported lynching revealed "that every Klan robe was under lock and key at the time of the murder"; that "all witnesses of the killing deny that the men wore robes or helmets and further that the killers wore a handkerchief over their faces"; that Mallard "was a bad Negro and had caused a lot of trouble in Toombs County, that he had caused a disturbance in a white church on that night," and that the KKK had in its possession "signed statements" from "the Sheriff of Toombs County, from a policeman at Lyons, from the Chief of Police at Lyons and from the Sergeant of the State Patrol, who made the investigation" showing that the killer did not wear Klan regalia and that the Klan had nothing to do with it."

Also being held under arrest along with Mrs. Mallard are William Tim Carter, 18; his 13-year-old sister, Emma Lean Carter, and a white man, identified by Lt. McDuffie as Frank Brinson, a farmer, the first white man to reach the scene after the slaying.

The Negro witnesses were said to have been riding in the car at the time Mallard was slain.

Mrs. Mallard had told police that a band of white-robed men shot her husband to death on the highway near their home. Mallard died of a bullet wound of the chest, the pellet having pierced the windshield of his 1949 automobile.

ENVY INCURRED

Reports were that he had incurred the envy and jealousy of white residents of the community, that he had out-maneuvered white salesmen of advertising and trade supplies to Negro funeral homes. Sheriff Gray, of Toombs County, said Mallard had been served a warrant once by him, on an automobile accident charge and that otherwise he had experienced no brushes with the law.

The majority press, however, had carried quotations from Toombs officers that Mallard was a "bad," "biggety" and "trouble-making" Negro. The Negro community attitude was that he was a hustling, law-abiding citizen.

The arrest of Mrs. Mallard, a rural schoolteacher, recalled to mind the arrest of Mrs. Caroline Gilbert, widow of Henry Gilbert, prosperous farmer of near-LaGrange, who was lynched in the Harris County jail while being held on a murder assessory charge.

Latest reports reveal that two lawyers had been retained in Mrs. Mallard's behalf. They were listed as Attorneys Aaron Kradtich, of Savannah, and Flannery Pope, of Lyons.

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Enforce the Law

Editor Constitution: I don't know what "Wool-Hatter" is, but if it takes a Wool-Hatter to stand for the right, then I am a Wool-Hatter of North Georgia and a violent opponent of the Ku Klux Klan. I am behind the Wool-Hatter South Georgian 100 percent. Yes, "this is a white man's country." And the law is the white man's law. But it is important that it be enforced upon all who break it, violate the law, whether white or black. The crime which was committed in Toombs County on a recent Saturday night was horrible. And, investigation should continue until the ones who committed such crime are convicted regardless of cost. If the Ku Klux Klan is not

Widow Taken Into Custody After Funeral

Atlanta Daily World

Klan Denies Part In Lynching

3 Witnesses Held

SAVANNAH, Ga. —(ANS)— Mrs. Amy James Mallard, widow of Robert Mallard whose death November 20 was attributed to lynching, Saturday afternoon was placed under arrest here charged with murder according to the Georgia Bureau of Investigation.

There was no immediate revelation of the background of Mrs. Mallard's arrest shortly after funeral was held for her well-to-do sales man husband.

Negro leaders earlier had predicted such a move as a means to

Pistol Permit Canceled by Toombs Indictee

(Copyright, 1948, The Atlanta Constitution)

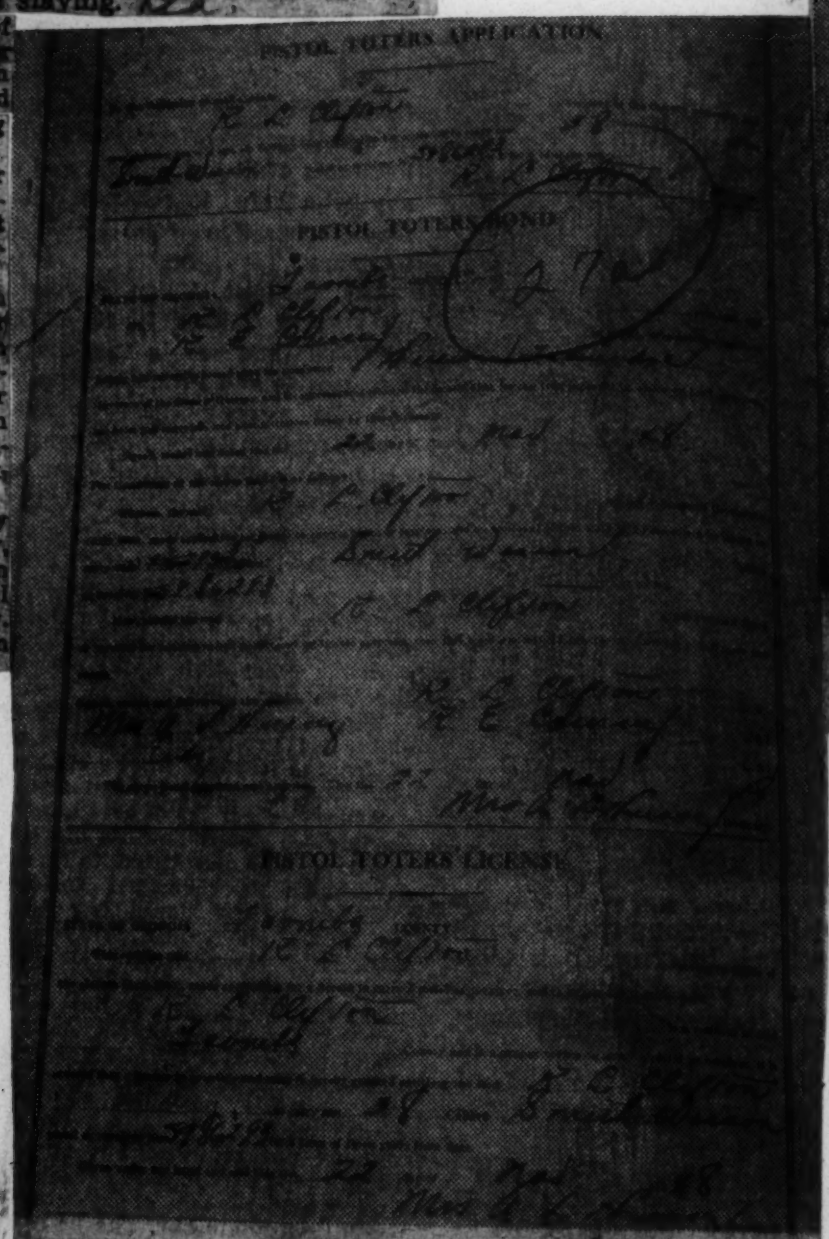
LYONS—Roderick L. Clifton, under indictment in the slaying of Robert Mallard, Toombs County Negro, took out a license on a second gun—and canceled the license previously issued him on another gun—on Monday, Nov. 22, less than 48 hours after Mallard's slaying.

Moreover, Georgia Bureau of Investigation officers reveal after questioning, the .38-caliber Smith & Wesson for which Clifton had a license at the time of the killing has not been found.

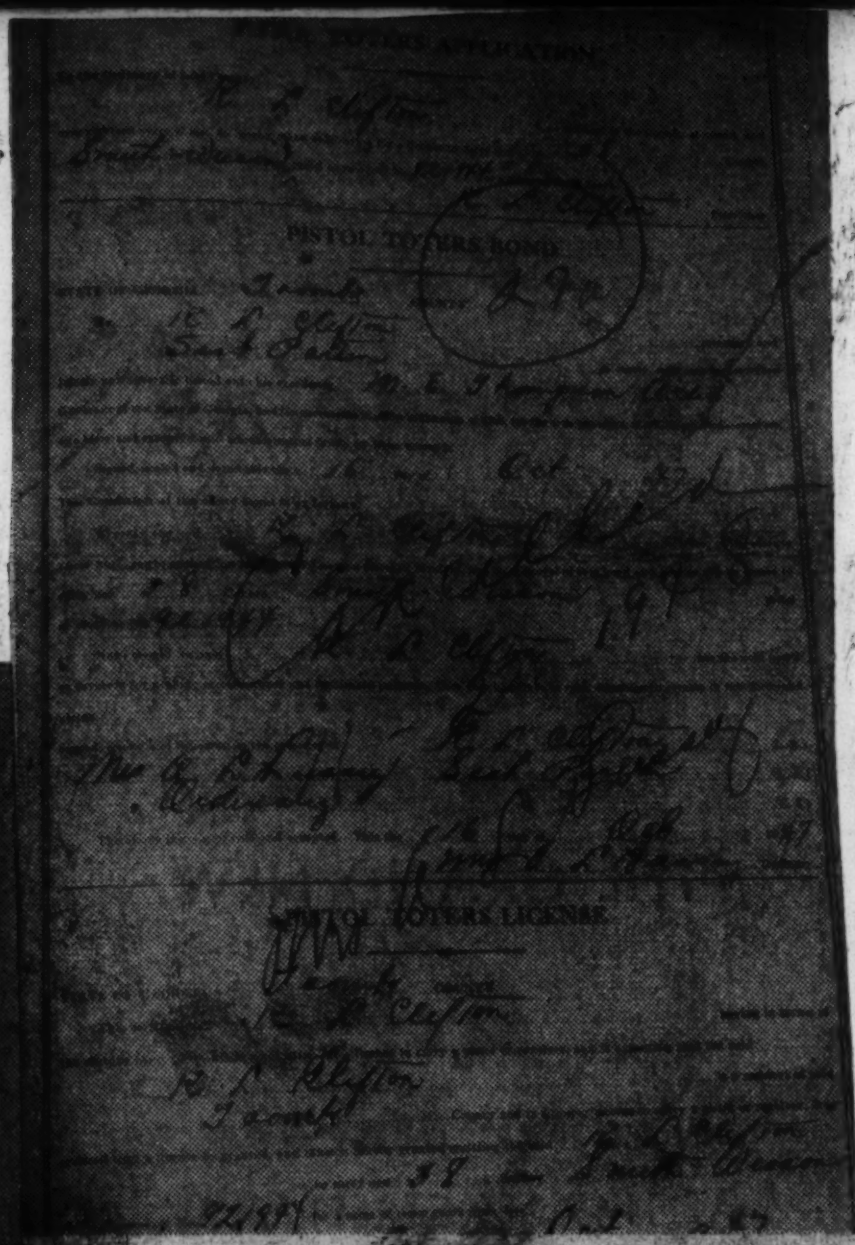
"We questioned Clifton for four hours," GBI Investigator Bill McDuffie, told The Constitution, "but were unable to get any information at all out of him."

The other gun, for which Clifton took out a license two days after the shooting, was one of five on which ballistic tests were run, according to GBI Capt. Delmar Jones. But the .38-caliber Smith & Wesson, No. 921944, whose license was canceled without explanation, has not been located.

Clifton, member of a widely connected Toombs County family, was indicted, along with William Howell, after an all-day special session of the Grand Jury Friday. They will be tried at Lyons on Jan. 11.



NEW PISTOL LICENSE — This is the Pistol Toter's License issued R. L. Clifton on Monday, Nov. 22, less than two days after the Saturday midnight slaying of Robert Mallard, Toombs County Negro.



PISTOL LICENSE CANCELLED—This is the license on another gun, disposition of which is not given, which Clifton, now under indictment, had cancelled at the time he took out the new license shown in top photo.

Killing Seen As Mob Action

Wife Of Slain Automobile Salesman Freed Of Murder Charge As Mystery Deepens

SAVANNAH, Ga.—Murder charges preferred against the terrified and grief-stricken widow of the ambushed-slain Robert Mallard, prosperous automobile salesman, in a bizarre arrest as she left her husband's funeral have been withdrawn, and the crime again takes on all the aspects of a full-fledged lynching.

In announcing the withdrawal of the charges, Sheriff R. E. Gray of Toombs county said new arrests in the case were pending. He reported that his investigation indicated that Mrs. Mallard had nothing to do with the slaying.

According to the testimony of the three adults in the car, they came upon three cars, filled with men wearing white robes, but unmasked, blocking the road. Mallad stopped the car, and was immediately shot to death. The others were told to get away from the spot, and the body was left lying by the roadside.

INCIDENT UNREPORTED

The incident went unreported by the newspapers and national wire services until last Wednesday. When the news did leak out, Sheriff R. E. Gray said he had not been able to determine the motive for the killing. It is, however, generally believed that the man was killed for ignoring a warning not to vote in the recent Democratic primary election. It is said he was cautioned that his life "wouldn't be worth 50 cents" if he voted. In addition, it was indicated that his prosperity as an automobile salesman had aroused the envy and resentment of some of the white neighbors.

Arrested for the murder Saturday, Mrs. Mallard, a school teacher, screamed, "He was killed by hooded Ku Kluxers." A few minutes later she began wailing and collapsed in the arms of her brother, J. C. James, Buffalo, N. Y. attorney.

Mrs. Mallard was arrested on a warrant charging murder as she left her husband's funeral at Griffin, Ga. She was taken in custody by Lt. W. E. McDuffie of the Georgia Bureau Investigation.

ACCUSES KLAN

Upon arrival at the police station a reporter for the Savannah Evening Press asked if she would like to make a statement.

Until this moment she had been calm. "I'll tell the world I do," she shrieked. "He was killed by hooded Ku Kluxers. He worked hard for me."

Lt. McDuffie did not elaborate on the arrest or assign any reason for the killing.

He did disclose, however, that three Negroes and a white man were being held in Lyons as material witnesses.

The GBI officer also sought to exonerate the klan. "I think the Ku Klux Klan has been wrongfully accused in this case. It is our belief that they are not guilty of shooting Mallard."

His statement followed one by Dr. Samuel Green, grand dragon of the Klan, claiming that the robed members of the invisible empire also had been cleared by Toombs County Sheriff R. E. Gray.

HELD IN CUSTODY

Those held in Lyons were identified by McDuffie as William Tim Carter, 18, Negro, and his sister, Emma Lean Carter, 13.

The lieutenants said the Carters and the Mallards were occupants of the car when the slaying took place.

Mallard was killed with a single shot, apparently fired through the windshield of his new car.

Klan Dragon Green said he had a signed statement from Sheriff Gray saying: "the Klan had nothing to do with this job. This Negro was disturbing church services at the Providence (white) Church. This Negro was a bad Negro, as I have had dealings with him."

The Atlanta Journal's correspondent at Vidalia, headquarters for the Klan at Vidalia, said M. S. Osborne of Lyons had submitted an affidavit to the local Klan Kleagle that Mallard had interrupted services.

Mallard demanded, said the Osborne statement as carried by the Journal, that cars blocking the road to his home be removed.

The church (white) borders the Mallard's 20-acre farm near Lyons.

Mrs. Mallard said the church incident did not involve her husband, that she was the one who had blown a horn outside the church.

She said she did so because an automobile was blocking access to her property. Since then the church had built an access road to her land, she said.

Governor Herman Talmadge has ordered the GBI to probe the slaying. Sheriff Gray maintained that there was no racial feeling in the county. Meanwhile, Mrs. Mallard has moved from their country home to Vidalia, Ga.

In Atlanta, NAACP Attorney A. T. Walden took immediate steps to request the Georgia Bureau of Investigation to locate and arrest the murderers.

Walter White, NAACP executive secretary, said in New York, that the crime was "a distardly deed and a coldblooded murder. It is further evidence of the continuing need for a federal anti-lynching law."

Georgia White Posts Reward For Slayers

ATLANTA, Ga. — Ralph McGill, editor of the Atlanta Constitution, revealed Wednesday that an unidentified white man from South Georgia had posted with him $500 reward for the ambush slayers of Robert Mallard, Negro automobile salesman.

The reward giver was described as "a wool hat man, believer in white supremacy, although a violent opponent of the Ku Klux Klan."

"This is a white man's country," he was quoted as saying, "and therefore the law is the white man's law. He wrote it. It is important that he live by it. No decent white man, no real 'wool hat Georgian' will support murder and lynch violence."

GUARD NEGRO'S WIDOW IN SIGNING WARRANT

LYONS, Ga., Dec. 6 (AP)—Mrs. Amy Mallard, a Negro, returned to her home today under police protection and signed a warrant charging a white man with murder in the Nov. 20 ambush slaying of her husband.

The widow named William L. Howell, ager 32, a farmer, as one of several men who stopped the Mallard car and shot her husband on a country road at night. She emphasized she was not charging Howell with the actual shooting but said he was in the group.

Mrs. Mallard picked Howell from among six men. The group included five who surrendered on Saturday and were held under suspicion. She identified only Howell.

Previously she had told officers that a band of robed white men killed her husband "for no reason at all." She blamed "Ku Kluxers." The Ku Klux Klan was exonerated by county officers.

Two of the five who surrendered on Saturday were released that night. The other two, Roderick Clifton, 36, and James Spivey, 24, are still in custody but no charges have been placed against them.

The five said rumors that they would be named by Mrs. Mallard led them to surrender.

The widow has been hiding in Savannah, eighty-one miles away, since the fuenral of her husband. She was arrested on a murder charge several days after the killing but was released soon afterward in the custody of her attorney.

She declined to return here and swear out a warrant until afforded police protection, saying she was afraid she would be lynched. Two state officers accompanied her from Savannah.

County and state officers had refused to issue warrants because they said they lacked evidence.

Widow Signs Murder Writ In Toombs

LYONS—(AP)—Amy Mallard, Negro, signed a warrant yesterday charging a white man with murder in the ambush slaying of her husband, and then announced she would go to Atlanta and tell her story to Gov. Herman Talmadge tomorrow.

Aaron Kravitch, the woman's Savannah attorney, said she would go to Atlanta today and hoped to see the Governor tomorrow. Kravitch said she was taking this step on the advice of unidentified Negro friends in Atlanta.

Gov. Talmadge could not be reached for comment.

The widow, under police protection, returned to Lyons yesterday and named William L. Howell, 32, farmer, as one of several men who stopped the Mallard car Nov. 20 and shot her husband, Robert. She emphasized she was not charging Howell with the actual shooting but said he was in the group.

She picked Howell from a group of six men. The group included the five who surrendered Saturday and were held under suspicion but the widow identified only Howell.

The Mallard widow previously told officers a band of robed white men killed her husband "for no reason at all" and blamed "Ku Kluxers." The Ku Klux Klan was exonerated by County officers.

Two of the five who surrendered Saturday were released Saturday night. The other two, Roderick Clifton, 36, and James Spivey, 24, remain in custody but no charges have been placed against them.

The widow has been hiding in Savannah, 81 miles away, since the funeral of Mallard. She was arrested on a murder charge several days after the killing but was released soon afterward in the custody of her attorney.

She declined to return here and swear out a warrant until afforded police protection, saying she was afraid she would be lynched.

County and State officers had refused to issue warrants because they said they lacked evidence. Joseph Goldwasser, Cleveland, Ohio, department store owner, entered the case in the "interest of justice" and obtained a statement from the widow, naming two men she said were in the ambush group. Goldwasser took the statement to Gov. Talmadge, who forwarded it to Judge Robert H. Humphrey, of Toombs County Superior Court. The latter called a special session of the Grand Jury for 10 a. m. Friday to investigate the killing.

Rumors that they had been named by the widow led the five to appear voluntarily Saturday, T. Ross Sharp, attorney for three of the men, said.

The widow was accompanied here yesterday by Lt. W. E. McDuffie, of the Georgia Bureau of Investigation, and D. E. Watson, State Trooper. Only a few people were on the street near the

Mr. Mallard, who was born and lived ... displayed his prosperity with such good ... things in life as a nice house on a farm ... a constitution designed to protect certain unaliemable rights of life, liberty, and the pursuit of happiness. ... Third, like many another American, he ... as a salesman of mortuary supplies. ... an automobile, nice clothes, nice food ... Fourth, he believed that, especially as ... obedient sheriff, Gov. Talmadge and his ... men like Gov. Talmadge deem unforgivable. First, he ... lowers' deem unforgivable. First, he ... cking the prosecution of a mob which ... is blocking the road to Mallard's home ... Lyons, Ga.

States Rights, Georgia Style

... those who insist upon "states ... concern ... the five who surrendered ... Bureau of Investigation, and an obvi...

life, he had a right to stand equally among his fellow Americans. For instance, he thought, it was within his rights to ask white men who had parked in front of his driveway to move their cars in order that he might drive his Kaiser-Fraser sedan into his property. This made him, to white supremacists, an "uppity nigger," and so they lynched him as he drove homeward on the night of Nov. 20.

There were three witnesses to the crime: Mrs. Mallard, a school teacher, and her two teen-age cousins. (Her 18-month baby also was in the car.) The killing was not publicized until Nov. 24. At her husband's funeral, Mrs. Mallard was arrested, quizzed at length, and finally freed with no bond.

Interior she now is hiding out with friends in Savannah. Sheriff R. E. Gray, who has all the evidence needed to swear out a warrant, refuses to do so, or to get a special grand jury called. He wants Mrs. Mallard to swear out the warrant. Logically, her attorney replies: "This is not a private prosecution, but a matter of public concern." Small wonder that, as Ralph McGill, editor of the Atlanta *Constitution* points out, such flouting of its own law by a state suggests the need of federal anti-lynching legislation.

Widow Names 2 In Ga. Lynching

SAVANNAH, Ga., Nov. 28.—Mrs. Amy J. Mallard, 28, widow of Robert Mallard, [illegible]-year-old Negro slain by a white hooded Georgia mob, yesterday named two of the mobsters.

Earlier she had been arrested by the Georgia Bureau of Investigation on the charge she had arranged the killing, in an obvious attempt to shift the blame from the Klan. She was finally released.

The dead man, who was recently warned not to vote, was slain Nov. 20, in the presence of his wife and 18-month-old baby, and two youthful friends, as he drove toward his home in Vidalia. Newspapers and wire services suppressed news of the lynching for four days.

Mrs. Mallard was arrested Saturday while attending her husband's funeral in Toombs County.

CLEARS KLAN

An investigation of the brutal lynching was finally ordered by Gov. Herman Talmadge after demands from the National Association for the Advancement of Colored People. The GBI, however, soon discounted Mrs. Mallard's account of the murder and cleared the Ku Klux Klan.

The arresting agent, Lt. W. E. McDuffie, said, "I think the Ku Klux Klan has been wrongly accused in this case. It is our belief they are not guilty of shooting Mallard."

The GBI claimed Mallard was the victim of a family plot, and the agent also arrested, as material witnesses, William T. Carter, 18, and his 13-year-old sister, Emma Lean, who were with the Mallards on the fatal night. The Talmadge-directed GBI men made the arrests shortly after Dr. Smuel Green, grand dragon of the Georgia Klan, issued a statement protesting the innocence of the hooded terrorists.

Last night in Lyons, Ga., Mrs. Mallard said she made a statement to the GBI positively identifying one member of the supposed mob and identifying another man's car as being at the scene where Mallard was ambushed eight days ago. Both men she named are white.

The widow was interviewed at a "hideout" here by a Savannah reporter. The Negro woman's attorney, Aaron Kravitch, was present and confirmed her account of the events of the last 24 hours.

The GBI released her in technical custody of Kravitch, they said. Fearing violence at the hands of mobsters in the Lyons area, the lawyer drove the woman to nearby Reidsville so she could catch a bus to Savannah where she has friends.

While waiting for the bus, Mrs. Mallard said, she became afraid to make the trip to Savannah. So she ran off into the woods and spent the night there in a deluging rain protected only by her raincoat.

At dawn she went to the home of friends at Reidville and they drove to Savannah where she went into hiding.

The woman reiterated her story that white men, wearing cape-like garb and face covers that hid their features but not their color, ambushed the Mallard car as the family was returning from a church meeting.

Mallard was killed by one shot from someone in the crowd, she said. She added she recognized one member by his voice and what she could see of his face because he was a neighbor farmer who had previously threatened to kill her husband.

She said neighboring farmers disliked her husband because "we were better off" than they were and rode around in a new automobile."

Georgia Police Guard Lynch Victim's Widow

ATLANTA, Dec. 5 (AP)—Two state troopers will protect the widow of a slain Negro when she swears out murder warrants against three white men tomorrow, the head of the Georgia Bureau of Investigation said today. Capt. Delmar Jones said he will send two troopers to Savannah to accompany Mrs. Amy Mallard to Lyons, Ga., where her husband, Robert, was killed on a lonely country road on Nov. 20.

Five men were arrested yesterday on suspicion of murder, but two of them have been released, Toombs County Sheriff R. E. Gray said.

Mrs. Mallard, who is being treated for shock and hysteria in Savannah, has been in hiding the past week. She has said she was afraid to return to Lyons to swear out the warrants.

Being held in the county jail there are J. Roderick Clifton, 36; William Lamar Howell, 32, and James Spivey, 24, Gray said. Herschel Sikes, 34, and Barney Sikes, 24, were released. All five denied any connection with Mallard's death.

T. Ross Sharp, attorney for two of the men, said the five appeared voluntarily at the county court house yesterday after "rumors had been circulated that Mallard's widow had named some of them as the killers."

Mallard, a mortuary supplies salesman, was slain as he neared his home, 18 miles from Lyons.

The Law Takes Its Course at Lyons

The widow of Robert Mallard, Toombs County Negro slain on the night of Nov. 20, yesterday returned to Lyons and swore out a murder warrant for William T. Howell, whom she accuses of participation in the crime.

A special session of the Grand Jury has been set for Friday and if an indictment is returned, a special term of Toombs Superior Court reportedly will be held Monday.

All of which is as it should be.

Not even the most unreasonable of our critics can find any fault with the swiftness with which Georgia, once aroused, is moving to see justice done.

Our only regret is that there was so much delay in reporting the crime and in demonstrating our determination to find and punish the guilty.

The two-week lapse between the killing and the arrest of suspects afforded outside meddlers an opportunity to wax hypercritical and to take, in the eyes of millions who do not realize what effect such meddling actually has, justifiable credit for the belated action.

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Talmadge Hints Break in Slaying;

Toombs Killer Rewards Mounting

The editor of the Lyons Progress last night said he would give $500 to anyone who could prove a Toombs County Negro was killed by white men, while another $100 was added by an anonymous contributor.

The offer by Editor Harry Rhoden came soon after Gov. Talmadge told a press conference he expected "startling" developments shortly in the slaying of Robert Mallard last Saturday.

Rhoden, who has been working closely with Toombs County Sheriff R. E. Gray and the Georgia Bureau of Investigation, said emphatically that Mallard was not killed, in his opinion, by white men.

Mallard's wife and several other Negroes said they were ambushed on a lonely road about 20 miles from Lyons at night. Sheriff Gray said the Negroes told him only one shot was fired.

That one shot, the Negroes claimed, pierced the windshield of the car in which Mallard was riding with others and killed him.

Meanwhile, Capt. Delmar Jones, recently appointed head of the GBI, declined comment on the case.

When pressed, however, by a reporter who asked: "Was Mallard maybe killed by another Negro?" Jones replied, "That's about it."

The Mallard killing, however, was being added, tentatively at least, to the records of mob violence kept at Tuskegee Institute in Alabama.

Another anonymous contribution—$100—for the arrest and conviction of the slayer was made through Editor Ralph McGill of The Constitution. It follows a $500 anonymous contribution from a South Georgia citizen who wrote McGill: "This is a white man's country and therefore the law is a white man's law. He wrote it. It is important that he live by it. No decent white man will support murder and lynch violence."

In Washington last night, the National Negro Council charged that two million Negroes were denied the right to vote in five Southern States this year and asked a Senate investigation.

Director Edgar Brown, of the Council, asked that public hearings be held in Atlanta, Birmingham, New Orleans, Jackson, Miss., and Columbia, S. C.

2 White Men Named in Case

Matron Held, Later Released in Killing

OFFICIALS FRANTIC

Crime Lends Impetus to Anti-Lynching Bill

SAVANNAH, Ga. — Mrs. Amy James Mallard, schoolteacher widow of the prosperous funeral equipment salesman lynched last week by a robed mob of white men, was in hiding in Savannah early this week awaiting further development in the case by the Georgia Bureau of Investigation.

Georgia authorities, in frantic attempts to whitewash the Ku Klux Klan in the revolting lynching, arrested Mrs. Mallard Saturday on a warrant charging her with the roadside slaying of her husband, Robert C. Mallard.

However, she was released a few hours later after she had linked two white men as members of the masked band that fatally shot her husband near Lyons, Ga.

Names 2 White Men

The widow was taken into custody as she left the funeral services for her husband here and taken to Lyons. There, she gave her statement to the GBI identifying one member of the alleged mob and identifying another man's car as being at the scene where Mallard was ambushed. Both men she identified were white.

Mrs. Mallard was released in the technical custody of her attorney, Aaron Kravitch. Interviewed in her "hideout" here, she reiterated the same story of the lynchings, that white men, garbed in robes, had ambushed their car and killed Mallard as the family was returning from a church meeting.

Fearing violence at the hands of farmers in the Lyons area, Mrs. Mallard said she was driven to Reidsville by her lawyer so she could catch a bus to Savannah where she had friends.

Hid in Woods

While waiting for the bus, Mrs. Mallard said, she became afraid to make the trip and ran into the woods and spent the night there in a sleeping rain, protected only by [illegible] coat. At dawn, she went to the home of friends in Reidsville and they drove her to Savannah.

"He was killed by the Ku Klux Klan," Mrs. Mallard screamed as Georgia Bureau of Investigation officers took her in custody. They had previously arrested the three other passengers in Mallard's death car as material witnesses in Lyons, Ga.

Mallard, 42, was lynched around midnight on Nov. 20 in front of a white church near Lyons, as he was stopped while driving his wife, their 18-month-old son and three neighbors home from a night school affair in the vicinity. The cars blocked the Mallard automobile and hooded figures swarmed out of them and around the blockaded car. One of the figures pulled off his mask, apparently to see better, and shot Mallard point-blank in the chest through the car's windshield. The single bullet caused his immediate death. So the widow described the lynching.

Mr. Mallard

Fearful of immediate action resulting in a strong Federal anti-lynching law, local officers frantically attempted to discredit indications the the KKK was involved in the Mallard lynching.

In one attempt to clear evidence that Mr. Mallard was killed by Klansmen, law enforcement officers wrote statements to the effect that the Klansmen were not involved.

Put Onus on Victim

Officers emphatically stated that Mr. Mallard was what they called "a mean Negro." Trying to refute the fact that there was a lynching, they indicated that the killer could as easily been a colored person as a white man.

In their statements they hinted that because of his "vicious" character, he might have brought death to himself through offending some individual.

Sheriff R. E. Gray of Toombs County stated that Mallard was "mean and biggity." All of the law officers stated that he was "mean," but failed to cite one instance where he had violated the law.

A citizen who requested that his name be withheld said that investigators' statements meant nothing, because the sheriff and city policemen hated Mr. Mallard for his militancy.

Facts Point to Klan

In addition to the thinly-disguised and desperate ruse of arresting Mrs. Mallard and holding the other witnesses to the lynching—Sallie Carter, 23; William Tim Carter, 18, and his sister, Miss Emma Lean Carter, 13—as witnesses, so that their versions of the affair might not be more widely broadcast, the following facts disclose Klan complicacy:

1. Dr. Samuel Green, grand dragon of the Ku Klux, had a report on the lynching from Toombs County Sheriff Gray before anyone else, except the Georgia Bureau of Investigation.

2. News of the lynching was suppressed for five days by the local papers until Former Gov. M. E. Thompson called upon his successor, Gov. Herman Talmadge, to outlaw the Ku Klux Klan in Georgia as a result of the slaying.

3. The bait of a $500 reward offered by the editor of the Lyons (Ga.) Progress, Harry Rhoden, to anyone who could prove that Mallard was killed "by a white man."

Racist Offers 2nd Reward

4. The additional $500 cash reward offered by an unidentified "wool hat" weaver from South Georgia, through Ralph McGill of the Atlanta Constitution, the donor of which said he believed in "white supremacy" but not in murder and in lynch violence.

5. The efforts of the recently-appointed head of the GBI, Capt. Delmar Jones, to exonerate the Klan in the lynching. Jones, in talks with the press, expressed the belief that the "Klan has been wrongly accused in the case." He hinted that Mallard had been killed by a colored person. Asked what motive a member of the victim's race had for the slaying, he was silent.

6. Tuskegee Institute, which is extremely wary of listing general murders under the heading of lynchings, unless accompanied by mob violence, has listed the slaying as a "lynching." Mrs. J. L. Guzman of the Institute, said "on the face of it and on the evidence we have, it certainly appears to be a lynching."

Politics Play Big Part

Georgia authorities by last week end seemed to be bewilderdly [illegible] flailing in attempting to cover up the tracks of the white-robed killers of Mallard.

Governor Talmadge, after he was called upon to do so by ex-Governor Thompson, had ordered an investigation into the atrocity which occurred not far from the Telfair County home of his family.

Queried about the quick release of Mrs. Mallard, Gov. Talmadge at first said "No comment," but subsequently was quoted as saying, "I want the guilty parties apprehended no matter who they are."

Klan Dragon Dr. Samuel Green denied that any members of his hate organization had participated in the crime and promised to "discipline" them from the KKK realm if any was found to be involved.

Nixon's Murder Recalled

The spot where Mallard was killed was less than 10 miles from Alston in Montgomery County, where Isaiah Nixon was slain after he voted in the Sep. 8 Democratic primary. Nixon's killer was freed by a jury.

There were reports that Mallard had been warned that his life wouldn't be "worth 50 cents" if he voted in the primary. This was similar to the warning issued Nixon before he was shot down on his front porch in the presence of his wife and children.

Klansmen Envious

The main motive in the Mallard lynching appeared to be that of envy over Mallard's property. He was a salesman of advertising and supply products to undertaking establishments.

On at least one occasion he is known to have had a run-in with a white salesman who depended on colored trade in South Georgia.

It was generally believed that Mallard was slain because of jealousy of his prosperity as a salesman, his having a new car and farm home in an otherwise poor county area. He covered the Southeast, selling advertising supplies including calendars and fans, caskets, embalming fluid and other supplies.

Arrested at Funeral

Mrs. Mallard, who was arrested as she was leaving her husband's funeral on the arm of her brother, J. C. James, a Buffalo, N.Y. attorney, is a rural school teacher.

She taught not far from her home in Toombs County, having previously taught in Bacon County. Highly nervous following her arrest, she was nevertheless positive that the killers were clothed in white robes.

Upon arrival at the police station, she was asked by a reporter if she wished to make a statement. Until this moment, she had been calm. "I'll tell the world I do," she shrieked, he was killed by hooded Ku Kluxers. He worked

"As a citizen of eGorgia, I call upon Gov. Herman Talmadge to give the people of Georgia his assurance that in his first message to the Georgia General Assembly in January, 1949, he will ask the legislators to outlaw the Ku Klux Klan in Georgia."

NAACP Presses Fight

This crime was denounced in New York by Walter White, NAACP secretary, as "a dastardly deed and a coldblooded murder . . . It is further evidence of the continuing need for a Federal anti-lynching law. We shall renew our efforts for enactment of such a law by the 81st Congress."

Interviewed in Atlanta, Junior Senator Richard Russell (Dem., Ga.) said he deplored the incident, but that he still believed the South could muster up enough votes to defeat the anti-lynching civil rights proposal.

Talmadge Offers Widow Militia Cover

Photostat on Page 2

Gov. Talmadge has promised the full forces of the State military and police to protect Amy Mallard if she wants to swear out murder warrants in the slaying of her husband in Toombs County.

Although he did not desire to prosecute the case herself, Talmadge told the Negro woman's representative here yesterday that he would forward all the information she has to the judge, prosecuting attorney, and sheriff in Toombs County.

To the request by Joseph Goldwasser, Cleveland member of the National Association for the Advancement of Colored People, that the Georgia Bureau of Investigation be instructed to arrest the slayers of Robert Mallard, Talmadge said the GBI has no legal power to initiate arrests without warrants or without instructions from the local sheriff's office.

The Georgia Governor, after offering all the State's facilities to protect the widow and offering to forward the information so the Grand Jury could investigate it, made these remarks concerning Goldwasser's interest in the Georgia case:

"If this had happened in your home town of Cleveland, it would have been forgotten in a day. It is unfortunate that it happened in Georgia and has been seized upon by a hostile press in its campaign to destroy states rights through the civil rights program. Ninety-nine and nine-tenths percent of the people of Georgia abhor mob violence regardless of whether it involves white or colored people. We regret this slaying has occurred here. We would regret it if it occurred in Cleveland."

Goldwasser said Gov Talmadge is "doing all he can."

Amy Mallard named two Toombs County white men as her husband's slayers in a letter addressed to Goldwasser. A photostatic copy of this letter was given to Talmadge, who will send it to the sheriff, judge, and solicitor of Toombs County.

Goldwasser said the widow would not swear out warrants because she was afraid to return to Toombs County lest she be lynched.

Goldwasser told the Governor, whom he called "Norman Talmadge", that he wanted to present "thermostatic—I mean photostatic—copies of the evidence I've got."

Last night, Goldwasser returned to Cleveland to await action by Georgia. If none is forthcoming, he said he would turn the case over to federal authorities as a violation of civil rights.

Mallard's widow is confined to a private home in Savannah under the care of a physician.

Another Civil Rights Argument

Another Negro, Robert Mallard, was shot to death Saturday night near Lyons, Georgia in Toombs county, by a gang of white robed men, thus adding another in the long chain of slayings which have blanketed the state since early last Spring.

The evidence shows that Mallard was slain while riding home with his wife, child and two others. Witnesses say that the white men were riding in three cars, one of which was driven in front of Mallard's car, thus blocking the road in front of him and those riding with him.

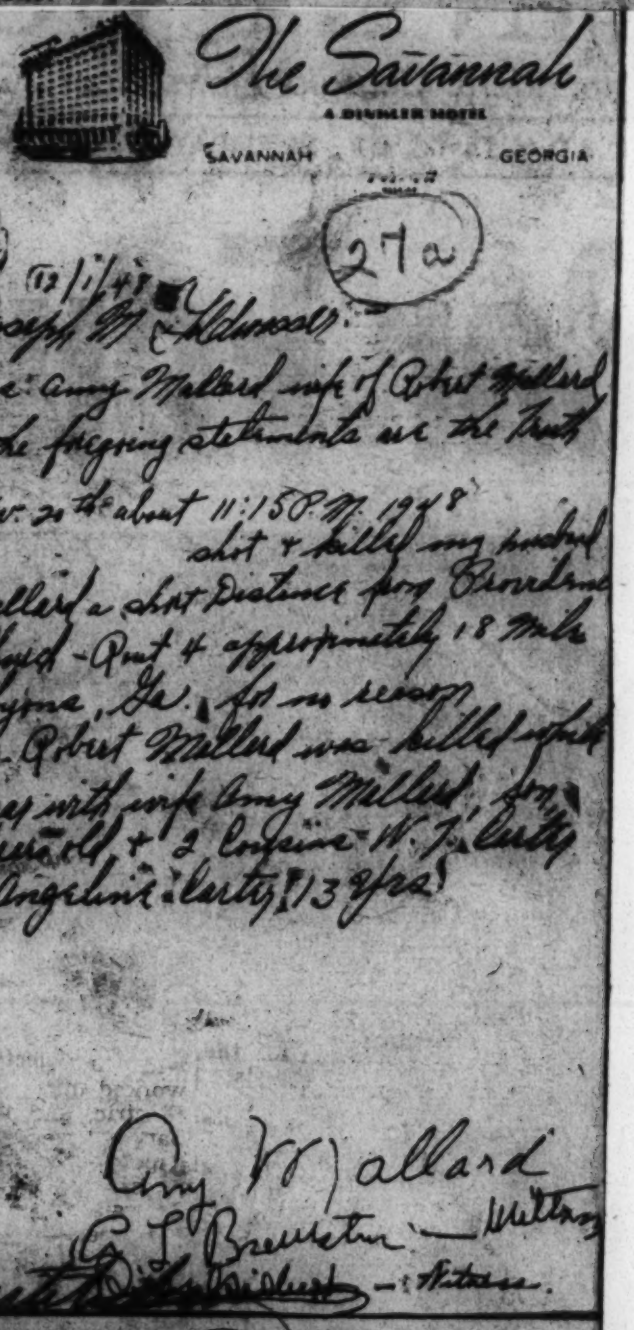
Whether one prefers calling Mallard's death a lynching, which it was, or a slaying, is not very important. The important thing is that he is dead and that as far as the law enforcement officers are concerned, his killers are unknown. And even if the officers should come forth with the names of the killers, there is not a chance in a thousand that anything will be done about it. Therein lies the logic and urgency for a speedy enactment of Civil Rights legislation in the approaching 81st Congress.

Nothing was done about the slaying of Isaiah Nixon. Nothing was done about Jesse Jefferson in Jackson, Georgia. Nothing was done about Henry Gilbert who was slain in jail. And, nothing was done about the scores of whippings and threats and intimidations which have given the state a black eye throughout the Nation, even since the notorious multiple lynchings in Walton county.

To say that the South can stop lynching or that it can be trusted to deal fairly with the Negro question, is placing too much responsibility upon a section devastated by passion and prejudice on the subject.

Instead of trying to meet these challenges with honesty and intelligence the South resorts to all sorts of silly explanations and excuses which make sense to no reasoning mind. In the Mallard's slaying for example, they are trying to rationalize so serious a crime around the crackpot reasoning that it was intimated that the Negroes of the community considered Mallard, originally from the North, a "trouble maker." There is neither sense nor character in that sort of rationalization.

The South simply has no method or machinery with which to deal with lynchers because it has no will to stop lynching. And while there are many honest white southerners who would do so, were it in their feeble power, they constitute an inarticulate minority whose voices will not have a chance in the foreseeable future to bring any concrete influence to bear.


The Savannah
A DIXIELAND HOTEL
SAVANNAH
GEORGIA
27a
To Mr. Joseph M. Goldwasser
I Mrs. Amy Mallard wife of Robert Mallard
swear that the foregoing statements are the truth
On Nov. 20 the about 11:15 P.M. 1948
shot & killed my husband
Robert Mallard a short Distance from Pleasant
Baptist Church - Post 4 approximately 18 Mile
South of Lyons, Ga. for no reason
whatever. Robert Mallard was killed right
in his car with wife Amy Mallard, son
John 2 years old & 2 daughter N. J. Liberty
18 yrs & Angeline Liberty 13 yrs
Amy W. Mallard
G. L. Brewington — Witness
The Court — Witness.

EVIDENCE IN MALLARD SLAYING?—Here is the letter with name of alleged killer deleted, which Joseph M. Goldwasser, Cleveland, Ohio businessman, says he obtained from the wife of slain Robert Mallard. Goldwasser has been conducting his own private investigation into the case in the interest of seeing that justice is [illegible]. He says.

(Story on Page 1)

7699

'Kidnap' Victim Missing 3 Days

Atlanta Constitution
Sat. 4-24-48

NEWNAN, April 23—(AP)—Two men were being held here Friday night on murder and kidnaping charges while police were searching for the "missing man or body."

Coweta County Sheriff A. Lamar Potts said he was holding without bond John Wallace, Meriwether County dairyman, and Herring Sivell, of [illegible] County. Sheriff Potts said the two men are being held in connection with a beating administered to Wilson Turner, Meriwether County farmer, and Turner's subsequent disappearance.

According to Sheriff Potts, witnesses said they watched as the two accused men beat Turner, placed him in their car and drove off. Turner has not been seen since, the Sheriff said.

Both Wallace and Sivell have denied any knowledge of the incident, the Sheriff said.

Wallace and Sivell were placed in the Coweta County Jail Friday after they had appeared at Sheriff Potts's office with their lawyer and surrendered. The warrants on which the men are being held were sworn to by Sheriff Potts.

State Troopers, GBI investigators, and a deputy from the Coweta Sheriff's office are conducting a search for Turner, Sheriff Potts said. Their efforts were fruitless, he said.

Witnesses told Sheriff Potts, the officer said, that Turner was beaten with a blackjack and the butt of a shotgun Tuesday night as the climax to a chase which ended at Sunset Tourist Court near Moreland. Turner drove up to the court and jumped from his truck, calling for help. Two men, identified Sheriff Potts said, by the witnesses as Wallace and Sivell drove up behind Turner's truck, jumped from their car and began beating him.

Sat Post 4-24-48

Sheriff Potts said the witnesses told him Turner was apparently "practically dead," when placed in the car occupied by his assailants. Witnesses told investigators the men said, before they drove away, "we're officers and this man is wanted for murder."

The officers declared the witnesses had "positively identified" Wallace and Sivell as the assailants and also he didentified an automobile belonging to Sivell as [illegible]

[illegible] day night as police sought additional information in the case of Wilson Turner, missing farmer.

The two men, [illegible] Meriwether County, and Herring Sivell, of Chipley, are being held on a charge of kidnaping and murder in connection with the missing farmer, Coweta County Sheriff Lamar Potts reported.

The Sheriff said Dr. Herman Jones, Fulton County toxicologist, had been called in to examine the bloodstains.

Meanwhile, a widespread search for Turner or his [illegible] was under way.

Atlanta Ga.

The [illegible] Jones told him a quantity of blood had been found on the floor and seat of the automobile. Dr. Jones added that an investigation revealed the inside of the car had been washed, apparently in an effort to get rid of the blood.

The blood-stained clothing was found in the homes of Wallace and Sivell, the Sheriff said. The suspects claimed the blood on their shirts resulted when one of the men scratched his hand.

Dr. Jones said the amount of blood found on the garments and in the car could not have resulted from a scratch.

The Sheriff said Dr. Jones told him that he expected to compare the blood on the garments with specimens of the suspects.

Sheriff Potts told The Constitution:

Turner had been arrested last Sunday at Carrollton and held for investigation of cattle thefts. He was held in the jail at Greenville then released Friday for lack of evidence.

Constitution

Wallace and Sivell were waiting for Turner as he left the jail and there began a wild chase which ended when Turner pulled up to a tourist cabin and yelled for help.

The two pursuing cattle farmers leaped from their cars and beat Turner into unconsciousness with the butt of a shotgun. They then tossed him into their car and sped away.

Sat 4-25-48

Before they left, however, they told witnesses, "We're officers and this man is wanted for murder."

That was the last seen of Turner.

Sheriff Potts said he swore out the warrants against the two men, both of whom denied any connection with the case. Two agents of the Georgia Bureau of Investigation have entered the case at the request of Sheriff Potts.

Blood Ups Search for Ga. Farmer

Constitution

Constitution State News Service
NEWNAN, April 24—Blood stains found in a car and on the clothing of two prominent dairy [illegible] were being examined Satur-

2 More Held; Hunt Pressed

For Turner

By JIM FURNISS
Constitution Staff Writer.

NEWNAN, April 27—Two additional men were arrested on murder warrants late Tuesday afternoon in Chipley as police officers here intensified the five-day search for the body of Wilson Turner, Coweta County farmer.

[illegible] of Chipley livestock dealer, and Broughton Myhand, farming [illegible] for operator, was announced by Sheriff Lamar Potts a few hours after two dairy farmers were bound over to the Coweta County Grand Jury without bond on charges of murdering Turner, a Meriwether County farmer.

Atlanta

Eyewitnesses testifying at the hearing—John Wallace, of Meriwether County, and Herring Sivell, of Chipley—gave [illegible] such a beating last Tuesday at the Sunset Tourist Camp, six miles south of here, that in their opinion Turner was killed. The dairymen [illegible] the victim in their car and drove away, they said.

Sheriff Potts said Mobley and Myhand allegedly were in the second car which participated in a chase which began on Turner's release from jail in Greenville, seat of Meriwether County, and ended at the tourist camp. Turner had been arrested for an investigation of cattle theft, but was released for lack of evidence.

Potts said the second car evidently fell behind during the chase and was signalled away as the fight ended at the tourist camp. Myhand formerly worked for Wallace, according to the sheriff.

Wed 4-28-48

At Wallace's commitment hearing, Federal Revenue Agent Earl H. Lucas told Justices of Peace J. O. Brown and W. S. Carswell the defendant had threatened to kill Turner last Fall over an illicit liquor still.

Lucas said Wallace told him he at one time actually was on point of killing Turner but refrained when [illegible] Turner's wife and child were with him.

Atlanta

Potts and his brother, Deputy Sheriff J. H. Potts told of finding bloody clothing in the homes of both the two defendants as well as discovering blood in Sivell's car.

Meanwhile, GBI, State Patrol and Sheriff's agents began a systematic search for the missing man's body around Dunaway, Williamson and LaGrange.

Wed 4-28-48

They prepared to grapple in an abandoned quarry near LaGrange for Turner's body, and to check an abandoned well near Wallace's farm.

Police Push Hunt For 2; Hold Five

Man from Macon is Wayne's latest Turner case witness

Meanwhile, Sheriff A. L. Potts of Coweta County, has brought murder charges against four men in connection with the disappearance of Turner.

Macon policeman, and brother of the missing man.

Patron Stacks, of Fitzgerald, was named by the Macon officer in the murder warrant charging murder on information and belief. Police Chief George Crawford at Fitzgerald said Stacks already was in jail on a drunkeness charge and when arrested he had blood stains on his trousers.

The taxi owner disappeared Wednesday shortly after calling his office to report that he was leaving for Waycross with a couple of "tough customers."

His taxi, bloodstained and containing an empty wallet and a GI cap, was found abandoned at Waycross. Chief Crawford said the cap had been identified as Stack's.

The case of the missing Turner began, said Sheriff Potts, with his release from jail on a charge of stealing a cow.

Barely had Turner left the jail, the Sheriff related, when two men set out in pursuit, catching him 17 miles later in front of a tourist camp.

There, Potts continued, Turner leaped from his car calling for help, but was seized by two men, beaten into unconsciousness and thrown into a car which sped away.

At a commitment hearing witnesses to the seizure of Turner identified John Wallace, owner of a 2,000 acre farm, and Herring Sivell, of Chipley, as the men who beat Turner.

Both were ordered held on murder charges for a Grand Jury hearing. Later Sheriff Potts arrested two other men on murder charges and said he had evidence that they, too, were involved in Turner's disappearance.

They were identified by Potts as Henry Mobley and Broughton Myhand.

Constitution Staff Photo—Ryan Sand

MURDER SITE?—Steve Smith, proprietor of the Sunset Tourist Court six miles south of Newnan, shows Geneva Yeager, an employee, where he says he and several others saw John Wallace and Herring Sivell beat Wilson Turner to death last Tuesday. Turner's body is the object of a wide search.

Jury Called In Turner Slaying

Constitution State News Service.

NEWNAN, May 30—The Wilson Turner slaying case, in which seven men are being held in the beating of "a weak and sickly Meriwether County farmer," will go before a special Coweta County Grand Jury here Monday.

Sheriff A. Lamar Potts is holding the following men on murder charges: John Wallace, dairy farmer of Meriwether County; Herring Sivell, Chipley dairyman; Tom Strickland, cousin of Wallace; Mozart Strickland, uncle of Wallace, and two Negroes who worked on the Wallace farm.

Sheriff Potts said Turner was chased by Wallace and Sivell after he was released from the Greenville jail on a cattle theft charge. A wild 10-mile auto ride followed until Turner pulled into a tourist camp in Coweta County.

Witnesses identified Wallace and Sivell as the two men who jumped out of their car, brutally beat Turner, then drove off with him in their auto, the sheriff said.

Turner Hunt Will Continue

Constitution State News Service.

NEWNAN, May 2—A search for Wilson Turner was halted temporarily Sunday afternoon but will be resumed early Monday, Coweta County Sheriff A. Lamar Potts reported.

A posse of farmers and law enforcement officers Saturday centered the search around an area at White Sulphur Springs about five miles from Durand. No evidence of Turner was discovered. The posse previously had combed the plantation of John Wallace, who, with Herring Sevill is being held on kidnap and murder charges.

'Confessor' Retracts As Body Hunt Shifts

By ROLFE EDMONDSON
Constitution Staff Writer.

NEWNAN, April 30—The mystery-packed search for the body of Wilson Turner, tenant farmer believed slain, will move Saturday to an area near White Sulphur Springs, it Southwest Meriwether County, Potts reported earlier Friday. Sivell further declared Turner and Wallace transferred from the Sivell car to another automobile seven miles from the tourist camp after a tire went flat, the Sheriff added.

Sivell accompanied possemen on Friday's search. He later repudiated oral statements he is alleged to have made to Sheriff Potts. The denial came after Sivell conferred with Atty. Pierre Howard of Atlanta, at the end of the canvass of a swamp near the Wallace farm.

Strickland, first cousin of Wallace, admitted taking Turner and Wallace into his automobile a short distance off the Greenville-Newnan highway, Potts said. Strickland claims he left them at a clump of woods. The spot was tentatively identified as being near an old tenant house Turner had occupied on the Wallace farm.

Broughton Myhand and Henry Mobley, who round out five suspects being held here, have denied knowledge of the kidnapping and suspected killing.

Approximately 500 spectators massed around the Coweta County Courthouse Friday seeking new developments in the investigation.

Wallace Farm Is Burial Site

COLUMBUS, May 3—(AP)—A burned and buried body identified as that of a missing 26-year-old sharecropper, was found late Monday on the 2,000-acre farm of one of four men accused of murdering him.

Sheriff A. L. Potts, of Coweta County, in a two-week quest for the missing man, "frail and sick," Wilson Turner.

He said the find was made in a heavily-wooded swamp on the Meriwether County plantation of John Wallace, a big-scale dairyman. The body, he added, had been burned with gasoline and partly de-

Howell reported.

at an old farm-

house.

Law

from the well and carried two miles to a burial pit in the swamp.

The remains, hardly more than

Four hours were required to fol-

low the traces from the well to the burial pit.

The Muscogee County officer said Sheriff Potts had taken the remains, hardly more than a heap of bones, to Newnan, the Coweta County seat.

Identification, he added, was positive, although he declined to

Potts charged

men either with

Sivell, of Chipley. Henry Mobley

7700

People Of Lyons Don't Say Too Much About Slain Negro

LYONS, Ga., Dec. 4—(U.P.)—Walking around in Lyons, talking to people from town and the farms, you find they don't have much to say about the shooting of Negro Robert Mallard two weeks ago tonight.

They have heard about it, but no man has pried into what might turn out to be his neighbor's business. They believe that Mallard was killed by a group of white men.

The average Toombs County man says that he's sorry the whole thing happened, that he wouldn't take any part in a thing like that himself, but that Mallard "must have done something to get it."

Learn Little Things

He reasons that, from what he has heard, Mallard was ill-liked by [illegible] have been unable to learn of any incident which might have sparked a lynching party, but have learned a number of little things about Mallard.

The man on Main Street knew him by sight, and sometimes saw him in town or driving the highways between Lyons and his home 20 miles to the south. The men in Providence Church community knew him as a Negro who married into the Carter family and came there for weekends.

The close neighbors and the Negroes of Toombs County don't talk about the case at all.

But you hear little stories, mostly based on hearsay and a few on actual contact with Mallard. One man says he deliberately stirred up a heavy dust cloud on a group of white men, when any other driver would have slowed down.

Another says Mallard wanted to be called "mister," but he didn't want to "mister" anybody else.

They say he tried to sell a white man some of his clothes, that because he was well dressed and drove a new Frazer sedan he sneered at white men who wore overalls and worked their tobacco farms.

They say continued agitation, a trial and acquittal, would just cause more bad publicity about the South in northern papers, bring more threats of civil rights laws and more attempts to upset what the South considers a workable balance of the races.

If Mallard made a group of his neighbors angry enough to waylay him at night and kill him, they say, the neighbors acted in a way like a jury.

Fear Haunts Burial of Lynch Victim

BY CHESTER L. WASHINGTON
(Courier Associate Editor)

GRIFFIN, Ga.—FEAR overshadowed sorrow in a tense and hushed atmosphere here Tuesday and solemn burial services were held for prosperous Robert Mallard, murdered apparently by a mysterious white mob.

It was FEAR that kept hysterical school teacher-widow, Amy James Mallard, from attending.

You could see it in the face of his kindly 76-year-old father, the Rev. John R. Mallard, who began his career as a Presbyterian minister here.

You sensed it in the looks of his sister, Mrs. Portia Walker of Jacksonville; his brother, Benjamin Mallard of Los Angeles, and his step-daughter, Doris Byron, a Georgia State College co-ed.

You detected it in the furtive glances of the mourners at a group of so-called white friends of the family who talked together in low voices in a far corner.

Fear hung suspended like a psychological guillotine over the bowed heads of the mourners at the final rites in the Spalding Funeral Home. It was there despite the consoling pleas of the Rev. A. C. Epps, urging the family to have faith in God's Providence even in the face of their adversities. After the impressive, short services by the brilliant young minister, the remains of the former star casket salesman were buried in the "colored" corner of the City Cemetery.

After the burial, the venerable father of the deceased brightened for the first time when he was told that murder charges which had originally been placed against his dead son's wife had reportedly been dropped.

"I knew she didn't do it," he murmured.

Then, speaking of his murdered son, he said:

"Robert was the ace salesman of the Duval Casket Company of Jacksonville and a good, industrious businessman. He was also a devoted husband and father.

Wife Seized in Slaying Attributed to Klansmen

SAVANNAH, Ga.—(U.P.)—Georgia Bureau of Investigation agents arrested the widow of a slain Negro, Robert Mallard, and charged her with his murder.

The slaying of Mallard had been tentatively classed a "lynching" by the Tuskegee Institute, and the Ku Klux Klan had been linked with [illegible]

• • •

HOWEVER, Lt. W. E. McDuffie of the GBI, who arrested Amy James Mallard as she left her husband's funeral services here, said that "I think the KKK in this instance has been wrongfully accused."

Officers Hunting Gun In Georgia Slaying

LYONS, Ga., Dec. 13—(AP)—Investigators [illegible] lynching [illegible] pistol which Roderick Clifton was licensed to carry at the time Robert Mallard, Toombs County Negro, was shot down from ambush Nov. 20.

Clifton and William L. Howell, both white farmers, were indicted for murder Friday by a special session of the Toombs Grand Jury.

Lt. W. E. McDuffie, of the Georgia Bureau of Investigation, gave this account of the missing pistol:

Two days after the murder, Clifton canceled the permit for one pistol and took out a second permit to carry another weapon of the same make. The second pistol is one of five on which ballistics tests are being run for comparison with a bullet that killed the well-to-do Negro casket salesman and farm owner.

McDuffie said Clifton had been questioned at length about the first pistol but no information was obtained.

Mallard was slain on a lonely road near his home, about 18 miles from Lyons. His widow reported a group of robed white men stopped the Mallard car and shots were fired from ambush.

The two white men are scheduled for trial at a special Superior Court term beginning Jan. 11.

WARRANT SIGNED IN MALLARD CASE

Widow of Slaying Victim Charges Murder

Lyons, Ga., Dec. 8.—Amy Mallard, Negro, returned to her home today under police protection and signed a warrant charging a white man with murder in the November 20 ambush slaying of her husband.

The widow named William L. Howell, 32, farmer, as one of several men who stopped the Mallard car and shot her husband on a country road at night. She emphasized she was not charging Howell with the actual shooting but said he was in the group.

The widow picked Howell from among six men. The group included five who surrendered Saturday and were held under suspicion but she identified only Howell.

She previously told officers a band of robed white men killed her husband "for no reason at all," and blamed "Ku Kluxers." The Ku Klux Klan was exonerated by county officers.

Two of the five who surrendered Saturday were released Saturday night. The other, Roderick Clifton, 36, and James Spivey, 24, remain in custody but no charges have been placed against them.

The five said rumors that they would be named by Amy Mallard led them to surrender.

The widow has been hiding in Savannah, 81 miles away, since the funeral of Mallard. She was arrested on a murder charge several days after the killing but was released soon afterward in the custody of her attorney.

She declined to return here and swear out a warrant until afforded police protection, saying she was afraid she would be lynched. Two state officers accompanied her from Savannah.

County and state officers had refused to issue warrants because they said they lacked evidence.

A special session of the Toombs county grand jury has been called for Friday to investigate the killing. The widow will appear before the grand jury Friday.

Slaying Occurs In Toombs County Near M'tgomery

Wife And Child Two Others Look On Helplessly

LYONS, Ga.—(ENS)—While his wife, child and two other riders in the automobile he was driving looked on helplessly, Robert Mallard was shot to death Saturday night near the Providence Church (white) it was revealed Wednesday.

The lynchers were said to be a gang of white-robed men.

Witnesses said the white men were in three cars, one of the vehicles having been driven in front of Mallard's car and blocking the road before the killing.

Investigators led by Sheriff R. E. Gray, of Toombs County, and Sergeant Robinson, of the Reidsville State Patrol office, Wednesday were piecing together meager details in the lynching. They had not been able to place the blame in the shooting, they said.

EXCITEMENT REIGNS

Officers of both the sheriff's and patrol offices reported that Negroes in the section were "highly excited."

The spot where Mallard was slain is about 18 miles South of Vidalia, a short distance across the county line from Alston, Ga., where Isaiah Nixon was killed after voting in the Democratic primary of September 8, and several assaults occurred from Negro voting. The area is in "the Telfair belt," dominated by keen prejudice and hating, it was learned.

First reports from the investigation said that Mallard was driving his automobile down the highway when he encountered several automobiles, near a school or some other building where a dance or other entertainment for whites was being held. He is said to have asked to get by and the vehicles were moved. Shortly afterwards, several cars containing the white-robed men were said to have caught up with the Mallard car and the Negro man was shot through the windshield as his wife, child and two occupants of the car looked on.

VOTING MOTIVE

No immediate motive for the shooting was established.

Queried as to a motive in the slaying, Sheriff Gray was quick to deny a report that Mallard died at the hands of assassins who still bore anger because he voted in a recent election. The sheriff also said that relations between the races in Toombs County were good.

Mallard's body reportedly bore two gunshot wounds, one in the chest and another in a leg. A bullet was probed in [illegible] reported.

Wool Hat Temper

An anonymous Georgian—a self-styled white supremacist—was so enraged by the first lynching of the year on Nov. 20 that he posted a $5,000 reward with The Atlanta Constitution. He said: "This [illegible] white man's country and therefore the law is the

white man's law. He wrote it. It is important that he live by it. I believe the sheriff and the Lyons police chief insisted that [illegible] had been a "bad" and "mean" Negro. Mrs. Mallard, a schoolteacher and farm owner, said that she and her husband, a casket salesman, were disliked by white farmers because they "were better off and rode around in a new automobile." She was released, however, after picked up even as she left her husband. Robert's funeral. The Toombs County sheriff and the Lyons police chief insisted that Mallard had been a "bad" and "mean" Negro. No decent white man will support murder and lynch violence."

But the first person the Georgia Bureau of Investigation arrested for the shooting was Mrs. Amy James Mallard, the victim's 40-year-old widow. She was

ever, after she testified that her husband had been murdered by five robed white men.

Last week Mrs. Mallard "positively" identified William L. (Spud) Howell, 32-year-old white farmer, as present at the slaying and said she recognized 36-year-old Roderick Clifton's auto as one used by the murder gang. A special grand jury thereupon indicted both Howell and Clifton for murder. Although by tradition lynch cases seldom go to trial, this time the "white man's law" apparently would operate. Who would get the $500 reward would be determined by the outcome of the trial.

named some of them as the killers."

The sheriff said he had rearrested two young Negroes and was holding them as material witnesses.

Mallard, a casket salesman, was slain as he neared his home, 18 miles from Lyons, in South Georgia. His widow said he was killed by five or six robed, but unmasked, white men who fired into their car.

Warrants To Name 3 Today

By ASSOCIATED PRESS

Two officers will protect the widow of a slain Negro when she swears out murder warrants against three white men today, the head of the Georgia Bureau of Investigation said yesterday.

Capt. Delmar Jones said he will send two State troopers to Savannah to accompany Amy Mallard to Lyons, where her husband, Robert, was killed on a lonely country road Nov. 20.

Five men were arrested Saturday on suspicion of murder, but two of them have been released, Toombs County Sheriff R. E. Gray said.

The widow, who is being treated for shock and hysteria in Savannah has been in hiding the past week. She has said she was afraid to return to Lyons to swear out warrants.

Being held in the county jail are J. Roderick Clifton, 36, William Lamar Howell, 32, and James Spivey, 24, Gray said. Herschel Sikes, 34, and Barney Sikes, 34, were released.

The men all denied any connection with Mallard's death.

T. Ross Sharp, attorney for two of the men, said the five appeared voluntarily at the county court house after "rumors had been circulated that Mallard's widow had

GEORGIA

"Just Another Killing"

In Georgia's Toombs County, deep in the dark land of white supremacy, Robert Mallard was known to many white folks as a "biggety nigger." At 67, he was a traveling salesman, strong, brash and prosperous. His voluminous sales of caskets, embalming fluid, and clothing irked his white competitors. He owned a 36-acre farm, drove a flashy 1948 Frazer sedan. He made frequent trips North and was fond of calling himself "Mister Robert Mallard."

In Toombs County, adjoining Montgomery County, where a Negro was shot to death last September for daring to vote in the Democratic primary (TIME, Sept. 20), Mallard was clearly living dangerously. On the warm Saturday night of November 20, driving along a country road with his wife, Amy, their son and two young Negroes, Robert Mallard was killed. A single shot pierced the windshield and slammed into his chest. Amy, a schoolteacher, said that white-robed men had blocked the road with cars and shot Mallard.

White Man's Country. But it was four days before the news leaked out of Toombs County on a tip to the liberal Macon *News*, 90 miles away. Explained the editor of the Lyons *Progress* in Toombs County (who is also a string correspondent for Atlanta papers): "It's just another Negro killing—why, I'm not even going to put it in my paper." But "just another Negro killing" was soon headline news in the sensitive South.

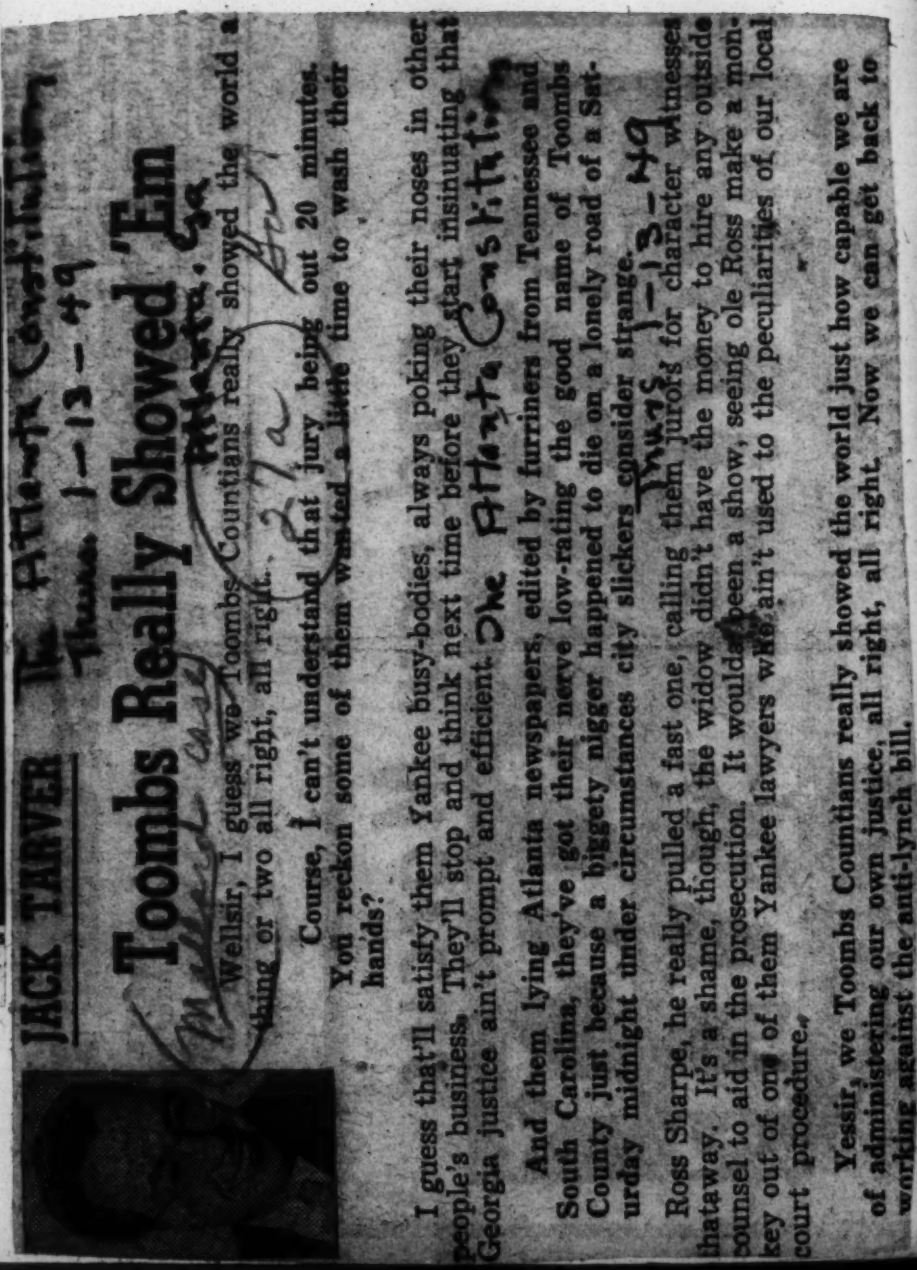
To prodding Georgia newsmen, Toombs County Sheriff R. E. Gray first reported that Mallard had been killed by men wearing "some white stuff." The Grand Dragon of the Ku Klux Klan, Dr. Samuel Green of Atlanta, who insisted the local Klan robes were all locked up that night in the Klavern, opened his own investigation. Soon he had statements from Toombs County law enforcement officers, including Sheriff Gray, exonerating the Klan. Said the sheriff: "This Negro was a bad Negro, as I have had dealings with him. I further know that this Negro was hated by all who knew him."

The Atlanta *Constitution's* Editor Ralph McGill gave the investigation an unheard-of twist. McGill announced that an anonymous "wool hat" Georgian, a firm believer in "white supremacy," had deposited with him a $500 reward for the arrest and conviction of Mallard's killers. Said the wool-hatter: "This is a white man's country and therefore the law is the white man's law. It is important that he live by it . . . No decent white man, no real 'wool hat Georgian' will support murder and lynch violence."

Hummon Steps In. Thus harassed, Georgia's newly inaugurated Governor Herman ("Hummon") Talmadge acted fast. On his orders, the Georgia Bureau of Investigation moved in with dispatch. Four days later it had its own answer to who killed Robert Mallard. As she left her husband's funeral services, Mrs. Mallard was arrested by the G.B.I. on a charge of murder. Blandly, the arresting officer, Lieut. William E. McDuffie, announced: "It is our belief that they [the Klan] are not guilty of shooting Mallard." But he gave no basis to reporters for charging Mrs. Mallard. Dumfounded and hysterical, the widow screamed again that men in white robes had killed her husband. Released without bond, she fled terror-stricken into the woods, shivered all night in a rainstorm, finally found sanctuary with Savannah friends.

Lee Banks

MRS. MALLARD & LIEUT. MCDUFFIE
From a wool-hatter, a reward.



JACK TARVER

Toombs Really Showed 'Em

Wellsir, I guess we Toombs Countians really showed the world a thing or two all right, all right.

Course, I can't understand that jury being out 20 minutes.

You reckon some of them wanted a little time to wash their hands?

I guess that'll satisfy them Yankee busy-bodies, always poking their noses in other people's business. They'll stop and think next time before they start insinuating that Georgia justice ain't prompt and efficient.

And them lying Atlanta newspapers, edited by furriners from Tennessee and South Carolina, they've got their nerve low-rating the good name of Toombs County just because a biggety nigger happened to die on a lonely road of a Saturday midnight under circumstances city slickers consider strange.

Ross Sharpe, he really pulled a fast one, calling them jurors for character witnesses thataway. It's a shame, though, the widow didn't have the money to hire Ross as counsel to aid in the prosecution. It would've been a show, seeing ole Ross make a monkey out of one of them Yankee lawyers who ain't used to the peculiarities of our local court procedure.

Yessir, we Toombs Countians really showed the world just how capable we are of administering our own justice, all right, all right. Now we can get back to working against the anti-lynch bill.

7701

Widow of Lynched Man Puts Finger on Suspect in Dingy Georgia Jail

Returns to Town Near Crime Scene, Under Police Guard, Picks 1 of 3 Whites Nabbed

By DOUGLASS HALE

LYONS, Ga.—Mrs. Amy Mallard, wife of Robert Mallard, under-privileged supply salesman, lynched near here on Nov. 20, walked into a dingy Georgia prison, Monday, and nervously identified a man who "killed my husband." She later also identified an automobile that was on the scene the night of the killing.

The persons whom she accused of killing her husband was William L. Howell, white. The car she identified belonged to Roderick L. Clifton, white.

After this identification, she swore out a warrant before Justice of the Peace Ernest L. Morgan, who asked her what charge she wished to prefer against Howell.

Leaguers Throng Jail Door

About 50 persons, mostly clad in overalls, stood near the entrance to the jail as Mrs. Mallard entered. She was escorted by her daughter, Miss Doris Byron, a sophomore of Georgia State College; her son, Benjamin F. Mallard of Los Angeles; and about half a dozen State troopers. At the time there was no suggestion of danger.

Once inside the jail, she was asked: "Do you recognize any of these men as being present on the night your husband was killed?" There were six white men, dressed in overalls, lined up against the wall.

Picks Suspect From Lineup

"That's the man," said Mrs. Mallard, pointing to William L. Howell.

She then walked about 100 yards to Toombs County Court House and swore out a warrant accusing Howell of murder. She said that she could not identify any other persons who were present the night her husband was killed.

In her original story of the lynching, Mrs. Mallard, who, herself, was held for nine hours on a trumped-up charge of murder, had stated that only one of the hooded and robed men who fatally shot her husband removed his mask, apparently to see clearly where he aimed his lethal shots.

However, the State is holding the other persons—Roderick L. Clifton and James W. Silvey,

Jury to Convene Friday

A Toombs County grand jury will convene Friday to consider the case against the accused men. At that time Mrs. Mallard will again return to Lyons under police protection.

Considering the terrific strain under which Mrs. Mallard has worked, she held up very well, Monday. Only twice did she lose control of herself.

Just before leaving the office of her attorney, Aaron Krabitch, she became slightly hysterical, apparently disturbed over whether or not she would have police escort during her return to Savannah.

Recalls Night of Terror

"The last time you took me up there I was left and had to spend the night in the woods in the rain," she told officials. They assured her that she would have sufficient policemen as escort.

The other time she became upset was when she told the justice of the peace that Howell was the man who killed her husband.

Later she picked up the [illegible] which her husband was killed. This is the first time that she has seen their vehicle since the night of the lynching.

Other Witnesses Released

There were two youths, Angeline Carter, 13, and William Tim Carter, 18, who had been held in jail there for seven days, the sheriff said for "safekeeping." They were in the car the night Mallard was slain.

They said they had to sleep on bunks in jail and that they were quite sore.

Upon the insistence of Mrs. Mallard, they released the youths in her custody and they rode back in the newspapermen's car.

Evidence Destroyed

A white New York reporter and cameraman reported Friday that the grounds around the scene of the crime had been thoroughly cleaned and raked, and not even the spot where the victim's blood was found can be recognized. The Mallard's car was seized by the GBI.

These developments in the Mallard case — which have again focussed world-wide attention on mob rule and the Ku Klux Klan—took place over the week end:

On Saturday, Mrs. Amy Jamerson Mallard, widow of the victim, who was previously arrested by agents of the Georgia Bureau of Investigation as she left funeral services for her husband, on suspicion that the murder was "a family plot," but later released, allegedly identified the five suspects who surrendered.

Grand Jury Called

On Friday, Judge Robert H. Humphries of the Middle Judicial Circuit Court summoned a special sessions of the Toombs county grand jury for Dec. 10 to probe the lynching.

He acted on receipt of a letter from Gov. Herman Talmadge enclosing photostatic copies of letters written by Mrs. Mallard and secured by Joseph M. Goldwasser, white industrialist and NAACP member of Cleveland, Ohio.

Widow Fears for Life

Mr. Goldwasser, who voluntarily interceded in the case as a private citizen, and not as an authorized representative of the NAACP, conferred with Governor Talmadge on Friday by appointment.

He told the governor Mrs. Mallard would not return to Toombs county to swear out warrants against two white men she accused of killing her husband from ambush, "because she feared for her life."

FBI Probe Urged

On Thursday, the NAACP sent a letter to Attorney General Tom Clark, through its special counsel, Thurgood Marshall, requesting a "thorough and comprehensive investigation into:

"The reign of terror in southeast Georgia which culminated in the lynching of Mallard, following the wanton slaying of Isaac Nixon, and the brutal assault upon D. V. Carter, all of whom dared to assert their political rights despite the warnings of displeased whites."

The NAACP announced that Mrs. Mallard found refuge in Savannah with the Rev. Ralph M. Gilbert, president of the Georgia State Conference of NAACP Branches.

Editor Lashes State

Also on Thursday, Ralph McGill, militant and noted editor of the Atlanta Constitution, devoted his entire editorial column to a blistering indictment of the State's "do-nothing" role in the [illegible] in part:

"The murder was more or less suppressed for four days. There is good reason to believe that had the newspapers not dug it out—and the Associated Press deserves a good hand for [illegible]—no legal action would have been attempted by anyone concerned.

"It would have 'blown over.' It may do that anyhow.

Delaying Action

"Now the sheriff says, according to quotes from reporters, that if no warrants are sworn out the evidence will be submitted to a February Grand Jury.

"It is precisely this sort of thing the nation cannot understand.

"The nation knows that had a white man been shot in cold blood by a Negro there would have been no such delay. John Doe warrants would have been immediately issued and the entire machinery of the law would have been set in motion.

"The bloodhounds and the posses would have been out, night and day, until the guilty were apprehended or all possibility of capture exhausted.

No Equal Protection

"In the name of God, then, why cannot the law operate equally to protect all citizens?

"That's the question the nation asks and that's the question the nation has a right to ask.

Fodder for Russia

"It is such a travesty on justice and the operation of law that the Russians use it in their newspapers to say to their people that in America a man may be murdered because of his race.

"It is such an obvious reluctance to apply the same vigor to bring a killer to jail as would have been applied were the dead man a white man, that the next Congress will surely pass some sort of antilynch legislation.

"That it will subject sheriffs and other law-enforcement officers to some penalty of Federal law is probable.

No Social Equality Issue

"This has no element of social equality or mixing of the races.

"It is simply a case of murder and as a self-styled 'wool-hat' man said, in offering a reward, the white man wrote the laws and they are the more, therefore, for him to obey, and he, too, is subject to their penalties.

Why South Is Tainted

"At any rate, here in the nutshell of the murder near Lyons is the perfect illustration of why the South too often is presented to the nation as a region which flouts its own laws and is not interested in applying the penalty of law to killers if the dead man be a Negro.

"People have a right to ask why the whole power of the law-enforcement officers of the county was not thrown into the case; why the dogs were not out; why a posse was not organized.

"This is America, a nation built on law. The law-enforcement policy in this case has hurt the South badly. There is no escaping that fact. And there is no excuse that can be made for it.

The Klan's Role

"There was another aspect of the case which was shameful. The original investigating officers for the State apparently were first interested in clearing the Ku Klux Klan.

"This does not appear to be a Klan killing, although it is exactly in the Klan pattern. But it will be very interesting to learn, if the killers are ever brought to justice, whether they are members of the Klan.

"One might safely wager great odds they are members.

"There is a relatively large Klan element in the county of which Lyons is the county seat. And already the city and county are learning that the Klan and its philosophy are a cancer which corrupts all it touches. . .

"We simply cannot say to the nation that we will work out our complex problem honestly and justly if let alone and then allow such a thing as this murder to be handled as it has been—and is being—handled. . .

"What has happened not only is wicked and wrong, it just doesn't make sense. It has hurt Georgia and the South and it is the sort of illogical action that cannot in any sense be excused."

Our Opinions

Georgia Justice And Jim Crow

Chicago Defender

While apologists, white and colored, for the Jim Crow South are trying to convince us that life can be beautiful for a citizen of color in Dixie, we are presented with a frightful, cold-blooded lynching in Lyons, Georgia, done in the best Klan style. Law enforcement officers are trying harder to absolve the Klan than to find the lynchers.

The Georgia case is so shameful that many of the editors of the Southern dailies have been forced to demand action. The news of the lynching was suppressed and when it did leak out, the law enforcement officers did everything possible to avoid doing their duty. The lynch victim's wife was even arrested, although there was not a shred of evidence to warrant such action. On the contrary, almost everyone in the county except the authorities knew that Mallard was lynched, and they know the lynchers.

Ralph McGill, editor of the Atlanta Constitution, described the situation as follows:

"But now comes the murder near Lyons, Ga. A Negro was stopped by a road block. A shot was fired through the windshield, killing him in a wanton, cold-blooded manner. His wife and other witnesses have identified at least one of the men.

"But, what happens?

"Nothing at all. No one is arrested. The murder was more or less suppressed for four days. There is good reason to believe that had the newspapers not dug it out—and the Associated Press deserves a good hand for its job—no legal action would have been attempted by anyone concerned. It would have 'blown over.' It may do that anyhow.

"It is precisely this sort of thing the nation cannot understand. The nation knows that had a white man been shot in cold blood by a Negro there would have been no such delay. John Doe warrants would have been immediately issued and the entire machinery of the law would have been set in motion. The bloodhounds and the posse would have been out, night and day, until the guilty were apprehended or all possibility of capture exhausted.

". . . There was another aspect of the case which was shameful. The original investigating officers for the State apparently were first interested in clearing the Ku Klux Klan. This does not appear to be a Klan killing, although it is exactly in the Klan pattern. But it will be very interesting to learn, if the killers are ever brought to justice, whether they are members of the Klan. One might safely wager great odds they are members.

". . . What has happened not only is wicked and wrong, it just doesn't make sense. It has hurt Georgia and the South and it is the sort of illogical action that cannot in any sense be excused."

Well, we have had our differences with editor Ralph McGill but we certainly agree with him on the above observations. What Mr. McGill does not understand is that as long as he supports a Jim Crow culture there never will be any semblance of equal justice. Jim Crowism means the segregation and the separation of the citizenry into two classes, the privileged and the underprivileged. Lynching, murder, and violence have been used to make segregation "work"; they are the instruments of Jim Crowism. If Mr. McGill is honestly concerned about the reputation of the South it behooves him to declare war on the evil cancer of racial segregation now.

7702

Wallace Defense Set Today

By CELESTINE SIBLEY
Constitution Staff Writer

NEWNAN, June 16 — With a movie-like array of evidence numbering 41 separate exhibits and bringing into play the highly scientific testimony of Dr. Herman D. Jones, Director of the Fulton County Crime Laboratory, the State today rested its case against John Wallace, Meriwether County farmer charged with murder.

Wallace is expected to take the stand in his own defense, but there is a strong possibility his attorneys will attempt to prove that death did not come to Turner in Coweta County, thereby invalidating the indictment.

The area in front of the jury box was crowded with "props" said by the State to have been used in the April 20 slaying of William H. Turner and in the disposal of his body.

Dr. Jones took most of them one by one and testified that:

1. Spots found on the shirt and trousers of Wallace were "found to be blood and found to be human blood."

2. Matter found at the bottom of the Meriwether County well included brain tissue, dark hair and human blood.

3. Microscopic examination of an ax blade identified as the property of John Wallace matched the cutting marks on a pole which Negro witnesses said was used to transport Turner's body from the well to the pit.

4. "White chips" which Sheriff Lamar Potts picked up beside the pit contained the same amounts of calcium, phosphorus and magnesium "as occurs in known human bones."

Dr. Jones also reported that spots found on the seat cover and floor mat of Herring Sivell's car—the machine witnesses said was used to transport Turner's body—were found by a chemical analysis to be blood.

Dr. Jones was qualified as an expert in chemistry and biochemistry by Sol. Gen. Luther Wyatt when he was placed on the witness stand. Defense Atty. Fred [illegible] of Hamilton, examined the crime doctor only briefly. Dr. Jones said the exhibit, which, with but six exceptions, was admitted into evidence, constituted the "most comprehensive exhibit of its kind" he had ever seen used in a trial. He credited Sheriff Potts with using minute care to see that the scene of the crime was undisturbed and that the evidence, "no matter how insignificant it appeared," was preserved.

Defense attorneys are expected to begin a procession of 40 witnesses in Wallace's behalf tomorrow. Judge Samuel J. Boykin sustained defense objections to the admission of a pine stump, two gasoline cans, five plaster casts of a tire track and a policeman's club which witnesses said was found in the car of Mozart Strickland.

When Sol. Wyatt offered the exhibits in evidence, the court asked if the defense had any objections.

"If Your Honor pleases," said Defense Atty. A. L. Henson, "we have 41 sets of objections." Later, however, the defense withdrew its objection to Exhibits No. 13 and 14, a bloody pole found at the well side and a burned tobacco can, as well as its objections to seat covers and flor mats from Sivell's car. The State, apparently unable to identify successfully as Turner's handwriting the writing on tobacco paper which was found in the well, withdrew that exhibit.

The accouterments of the alleged ghastly cremation of Turner's body were matter-of-factly identified by witnesses and handled without a trace of squeamishness by court attaches and attorneys affixing identifying labels to them.

The blood-smeared pole was identified by L. L. Bedenbauth, State Revenue Agent, as one he picked up near the site of the abandoned well, where two Negroes, Albert Brooks and Robert Lee Gates, testified they found Turner's body.

Another green pine sapling with a length of cord attached, was identified by Brooks as the pole to which Turner's body was tied as it was hauled from the well to the pyre in the swamp.

Two oil cans, identified by Brooks as "just like them that Mr. John poured the gasoline from," were introduced in evidence.

A charred tin tobacco can belieued to have fallen from Turner's pocket was identified by Bedenbauth as one he picked up beside the pit.

Sheriff Potts, taking the stand for the first time, identified a box containing "little white chips" as those he picked up on the banks beside the pit.

An apple box of sawdust from the site and a man's handkerchief containing ashes which Sheriff Potts said he found at the edge of the branch and in the water, were introduced in evidence.

Sheriff Potts told the jury trees around the pit had foliage burned as high as 50 feet and shrubbery was scorched as far away as 40 feet.

Charles H. Hilton, young Negro service station worker from Greenville, testified that he cleaned Herbeaten Bibb County farmer, identified a photograph as that of his son, William, and testified that "I heard he changed his name to Wilson."

Under cross-examination he admitted a draft card belonging to his other son, Wilson, had disappeared from the house. He would not say that William took it.

Interest in the three-day-old murder trial had mounted to fever pitch by noon when most downtown offices and stores closed. Small boys were doing a land-office business in seats, arriving early and selling their seats later for prices said to range from one to five dollars.

An elderly farmer, occupying a front-row vantage point from early morning, was forced to abandon it at noon recess [illegible] and before he announced in loud tones that he had to go to the bathroom and would give his place to the highest bidder. It went for one dollar.

An elderly farmer, occupying a ring Sivell's car April 23—three days after Turner was allegedly beaten—and washed spots of blood from the floor of the back seat.

Brooks, telling generally the same story told yesterday by Gates, his confessed companion in the cremation of Turner's body, said when Turner's body was hauled from the well:

"Mr. John said, 'All right, wrap the package up.'"

After the fire had been going about half an hour, according to the witness, Wallace said, "You all go ahead now and get to planting cotton. I got to go to Newnan."

Brooks also identified by a bent hook the well-drag which he said was used to pull Turner's body from the well.

J. H. Turner, hunched, weather-

'Package' Dragged From Well, He Says

By CELESTINE SIBLEY,
Constitution Staff Writer.

NEWNAN, June 15—The bizarre story of how he and John Wallace disposed of the body of William H. (alias Wilson) Turner in a midnight trek through the swamps by burning it on a pyre and scattering the ashes in a creek was told a Coweta County jury today by Robert Lee Gates, Negro

Gates, indicted for murder in the Turner case, gave a gruesome acount of a predawn search for a "package" and the subsequent disposal of it at Wallace's direction. Gates said he was called out of his house on Wallace's place Thursday night, April 20, and told to "get up old Dollie and another saddle horse."

Gates said he mounted one horse and Wallace mounted the other, and they began looking for wells "where Mr. John said he had a package." He said they took ropes and well-drags with them.

"A package was all we knew until we looked in there," the witness said. He said they saw a body in the well, and at Wallace's direction hooked a drag in a shoe and pulled the body out of the well. He identified the body as that of Turner, said they wrapped it in a sheet, swung it to a pole and carried it by horseback to a place where the swamp got "so thick the horses couldn't go."

Gates said Wallace told him and Albert Brooks, another Negro, to carry the body on by foot and meet him at a place in the woods where some cord wood was piled. He said they placed the body beside a pit and covered it with some brush "while we went home to rest a while." They returned "in an hour by the sun," placed the body in the pit and covered it with cord wood.

Wallace, Gates said, poured gasoline on the wood and told the Negroes to stand back. He struck a match and threw it into the pit, and "the blaze was so high you couldn't see the package and it burned all the tree tops."

"It was a old still place and we laid him down," Gates said.

Gates said they returned Friday morning, scooped up three sacks of ashes and scattered them in the creek.

Among tomorrow's State witnesses will be Brooks, George Cornett, GBI agent who assisted in the investigation, and Dr. Herman Jones, Fulton County crime scientist. Dr. Jones analyzed ashes officers took from a pit fitting the description Gates gave of the burning place. He said they had the chemical content of human bones.

Earlier in the day, a tense packed courtroom heard eyewitnesses give a chilling account of how Turner, screaming all the while for help, apparently was bludgeoned to death in full view of a half a dozen spectators, one of whom said, "I went on eating my dinner."

Steve Smith, of Moreland, proprietor of the Sunset Tourist Camp, and two other witnesses testified Wallace pursued Turner to the front door, hauled him back to his car, hit him over the head with a shot gun until he fell limply into the car and then crawled in on top of him, still raining blows on his lifeless body.

Smith, over heated objections from Defense Counsel A. L. Henson, told the jury Turner "looked like he was dead to me."

"He hollered until he was hit with the gun, and then he didn't make another sound," Smith said.

J. M. Phillips and Mrs. Merle Hannah both identified Wallace as the man who was beating Turner. Phillips said he was sitting in a booth facing the window and saw Wallace's face through the window—"and I went on eating my dinner," he said.

Smith identified Herring Sivell as assisting Wallace.

"I asked them why they didn't put some handcuffs on him," the witness said, "and Sivell said, 'we don't need any handcuffs. He's a dangerous man—wanted for murder.'"

Leon Flournoy, State Highway Department workman, testified he and other workers were sitting in the shade by the road eating their lunch when Turner's truck sped by them closely pursued by a car identified as Sivell's.

"I could hear the tires a-squawking, and I thought it was revenuers after a truckload of whiskey," Flournoy said. He testified he saw the car return but never saw the truck again.

Three physicians, Dr. C. C. Elliott, Dr. J. M. Tribble and Dr. George Kinnard, testified that it was such as the ones witnesses said Wallace administered to Turner could produce death.

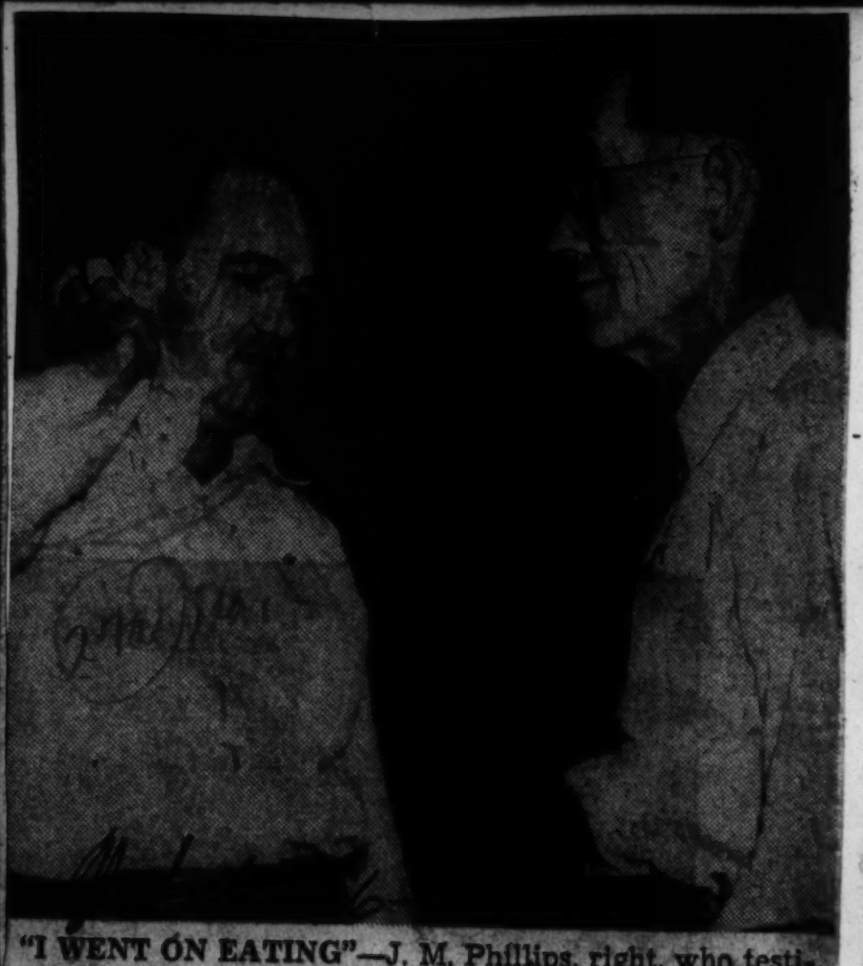
Earlier in the day, five Greenville residents testified as to the presence of Wallace, Sivell and Henry Mobley around the Merl[illegible] Mobley and Sivell sitting in parked cars nearby.

C. E. Miller, commission agent for the Department of Revenue, and Chief Levy Garrett, of the Greenville police, said they saw Wallace around the Courthouse. Miller said when he saw the de[illegible] hour when Turner was re[illegible]

[illegible] he was in the company of [illegible] And Garrett and Hu[illegible] filling station attend[illegible] they saw Wallace in company Sheriff Lardy Collier, who [illegible] been indicted as an accessory [illegible] the fact in the Turner [illegible]

Constitution Staff Photo—Ryan Sanders

CROWD FILLS COWETA COURTHOUSE—Trial of John Wallace on a charge of murder in the "burned bones" death of William Turner in Coweta County brought out such a crowd Wednesday that seats were being sold by enterprising youngsters. Here part of the crowd gathers at a drink stand in courthouse corridor.



"I WENT ON EATING"—J. M. Phillips, right, who testified he "went on eating" as he watched the alleged beating of Turner by Wallace and Sivell, chats with Steve Smith, mopping brow, after Smith testified to beating of Turner outside Smith's eating place.

Seer Tells of Wallace Threat To Kill Turner

June 6-15-48

NEWNAN, June 14—An agile countrywoman with one good eye, a flower-bedecked beanie that kept skidding down over her left ear and the firm conviction that she is "the oracle of the age" bogged down in a morass of mysticism the murder trial of John Wallace here today.

The seer, Heard County's well-patronized teller of fortunes and reader of signs, gaunt, rheumy-eyed Miss Mayhaley Lancaster, was an opening-day sensation as the widely followed "burned bones" murder case began a probable week-long run before Superior Judge Samuel J. Boykin and a 12-man jury.

She told John Wallace where to find his cows (the registered [illegible] with green tips around

A. L. Henson, Atlanta attorney and co-counsel for Wallace, tried to pin Miss Lancaster down on the source of her information and its accuracy. She drew herself up haughtily and declared. "We were born this way. We were born not like schoolteachers. Through the inspiration of the all-wise God it came to me."

"The all-wise God has not dispensed that information to very many of us," commented Henson dryly.

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The Court interrupted in spirited give and take between the lawyer and witness on whether or not she was wiser than the officers of the Court but not before Henson asked Miss Lancaster if she could "focus your information finder" and foretell his future.

"You may get what Turner got," the mystic prophesied darkly.

Moving with unprecedented speed for a murder trial expected to last a week or 10 days, attorneys agreed within 45 minutes on a jury which included eight farmers, and the prosecution rapidly began marshaling witnesses against the shining-pated Wallace.

By midafternoon a procession of half a dozen witnesses, led by slender, 23-year-old Julia Windom Turner, widow of the slain man, had passed before the jury and Superior Court Judge Samuel J. Boykin to testify:

1. That Wallace and Turner were "in the whiskey business together."

2. That Turner was in mortal fear of Wallace and "being ganged up on" in Meriwether County.

3. That Wallace had Turner arrested in Carrollton for theft of a cow and brought Sheriff Hardy Collier from Meriwether County to remove him to Greenville jail at 3 a. m. without a warrant.

4. That a car driven by Herring Sivell and a car driven by Henry Mobley was seen chasing a pickup truck driven by Turner on the highway near the Sunset Tourist Camp the day of Turner's disappearance.

Wallace definitely planned to kill Turner and would have killed him "on one occasion when he met him in the road," but Turner's wife was along and she looked so pitiful he couldn't go through with it," Earl Lucas, investigator for the Alcohol Tax Unit in Atlanta, told the jury. He testified that he went to Meriwether County on a call which came from Gus Huddleston, Wallace's attorney, to "break up the whiskey business on Wallace's place."

Under cross-examination by A. L. Henson, of Atlanta, also counsel for Wallace, Lucas stoutly maintained that he did not know stock allegedly stolen by William H. Turner alias Wilson Turner, the murder victim). She heard Wallace's threat to track Turner down and kill him "agin all laws of the land," and then in a third seance with the balding, bull-necked Meriwether farmer, she prophesied the hiding place of Turner's body and its condition.

That is what Miss Lancaster, with an air of modesty and frequent tugs at her skidding bonnet, told a predominantly farmer jury shortly before the evening recess.

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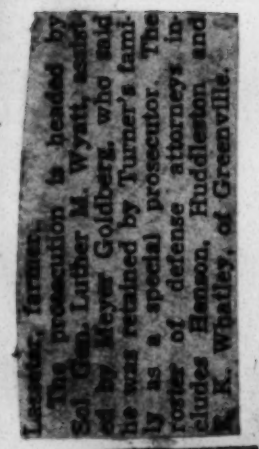
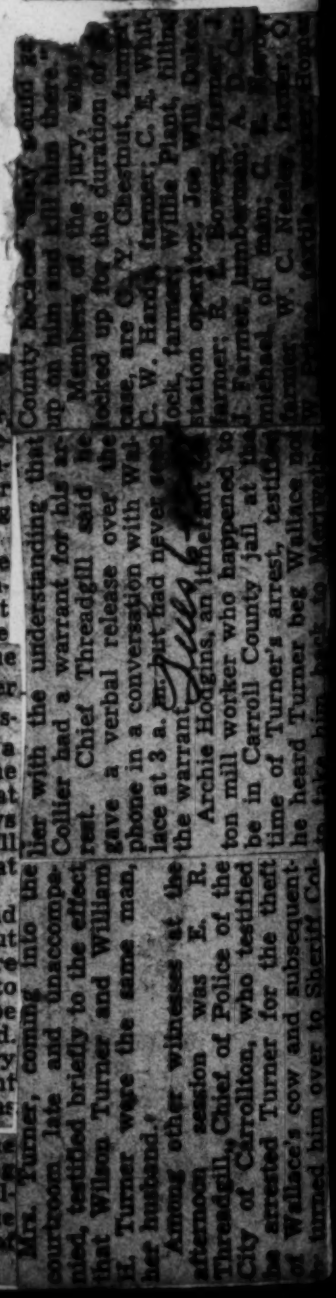
"John Wallace came to see me three times," testified Miss Lancaster. "He told me he had lost two cows valued at $3,200 and he wanted me to tell him where he could find them—one a milker and one dry. I told him in a pasture where they were carried in a truck, and he informed me he was going to Carroll County that night, and if he found the cows and Turner he was going to kill him. I said "Don't say that. That is a violation of the law."

Later Wallace returned and wanted to know something about finding a dead body somewhere [illegible] and wanted to know if the body would ever be found," Miss Lancaster testified. Fixing her good eye on the jury she gave them a graphic account of her reply. "I told him it was whether Wallace was making the whiskey or Turner was making the whiskey. He said since Wallace's arrest Internal Revenue agents have brought charges of conspiracy against him.



Lassiter, farmer.

The prosecution is headed by Sol Gen. Luther M. Wyatt, assisted by Meyer Goldberg, who said he was retained by Turner's family as a special prosecutor. The roster of defense attorneys includes Henson, Huddleston and R. K. Whatley, of Greenville.



June 6-15-48

County Relief Administration operator, Jo
Mrs. Turner, farmer, W. C. Neal, farmer, Bo
coming into the courtroom late and unaccompanied, testified briefly to the effect that Wilson Turner and William H. Turner were the same man, her husband.

Among other witnesses at the afternoon session was E. R. Threadgill, Chief of Police of the City of Carrollton, who testified he arrested Turner for the theft of Wallace's cow and subsequently turned him over to Sheriff Collier with the understanding that a warrant for his arrest would be sworn out on him and kill him there.

Members of the jury, who during the duration of the trial will be locked up for the night, are Chestnut, farmer; C. E. Whitmire, farmer; C. W. Hardy, farmer; Willie Plant, filling station operator; Joe Will Duke, farmer; R. J. Bowers, farmer; A. D. Lambert, farmer; Archie Hodgins, an itinerant farmer; Michael Oil man; Joe Will Duke, farmer; W. C. Neal, farmer, and R. J. Bowers, farmer.

7703

Let Punishment Be Swift and Sure

The Constitution congratulates the ingenious and unintimidated officers who finally located the body of Walter Turner, brutally murdered near Newnan, Georgia.

It was State Revenue Agent E. J. Hancock who followed the trail which led at last to the discovery of Turner's charred remains. But it was Coweta County Sheriff A. [illegible] Potts who kept up an unrelenting search for two weeks in an effort to locate the corpus delicti. Sheriff Potts, who takes the obligations of his office more seriously than some, refused to call off the hunt when it became apparent that politically powerful persons were involved in the crime and other elected law enforcement officers were evidencing no interest in procuring sufficient evidence for conviction.

The determination with which Sheriff Potts and other unafraid officers showed in refusing to drop the case until it was resolved is a credit to them and their State. The savagery of the crime has shocked the nation and it would have made a travesty of Georgia justice had the search been allowed unsuccessfully to be ended. We trust the death penalty will be sought for all involved in the brutal slaying and that the legal prosecution of the case will be as intelligent and unrelenting as was the officers' search.

The [illegible] savagery of those who committed the crime should serve as a warning to law-abiding citizens that tolerating such characters will only encourage other hoodlums to assume that they too can flout the law with immunity.

NEW EVIDENCE UNCOVERED

Eight Held in Turner Slaying

Photo by Don Downs.

CREMATION PIT—State Revenue Agent Burt Neilson, right, and State Trooper inspect pit where Wilson Turner's body allegedly was cremated.

By ALBERT RILEY
Constitution Staff Writer.

NEWNAN, May 4—With eight men under arrest and additional evidence uncovered Tuesday, Sheriff A. L. Potts, of Coweta County, said investigation of the slaying of Wilson Turner virtually has been completed.

Special Prosecutor Meyer Goldberg hinted at another possible arrest, however, but declared that "a perfect case has been built up" against the men charged with the tenant farmer's death.

Sheriff Potts headed a searching party Tuesday on the Meriwether County farm of John Wallace, one of the accused, where the charred remains of a body, believed to be that of Turner, were found Monday. Barely winning a race with rain to get photographs and casts of footprints and tire tracks before they were obliterated, the searchers found these items, according to the sheriff:

A .38-calibre bullet, rammed into the skull of Wilson Turner, splattered brains and bits of skin and bone, all in an abandoned well where his body is believed to have been placed and then cremated before being cremated on a wooded creek bank two miles away.

A 50-pound stone Potts said had been shoved into the well on top of Turner's body.

A match box, part of a handkerchief, a tobacco can, a knife, twigs and other bits of evidence from the area where GBI Agent E. J. Hancock Monday traced a path from the well to the creek bank pyre.

Shoes from Wallace's house, and milk cans, which smelled of gasoline, from Wallace's barn. It is the investigators' theory that gasoline was used to burn the body.

Although Dr. Herman Jones, Director of the Fulton County scientific crime laboratory, who was called into the investigation, said the human remains had not been positively identified as Turner's body, Sheriff Potts and GBI Agent Hancock declared positive identification has been made. They refused to disclose in what manner, however.

Dr. Jones and his assistant, George Cornett, took the remains to Atlanta along with other evidence, for laboratory tests.

With John Wallace, Herring Sivell, Henry Mobley and Tom Strickland already jailed in the case, and Broughton Myhand held as a material witness 78-year-old Mozart Strickland was arrested Tuesday. A pick-up truck owned by the elderly Chipley farmer was brought to Newnan and Sheriff Potts said the truck had been used to haul firewood to the spot where Turner's body allegedly was burned.

Two Negroes who live on Wallace's farm, Robert Lee Green and Albert Brooks, were held for questioning, bringing the total arrests to eight.

Mozart Strickland, who said he didn't know why he was arrested, told a reporter in a jailhouse window conversation that he was a personal friend of the late President Roosevelt, whose "Little White House" at Warm Springs is not far from Chipley.

In an adjoining window, Henry Mobley, Chipley livestock dealer, lounged in pajamas, laughed and said he was catching up on his rest.

While GBI agents, State Troopers, Fulton, Coweta and Muscogee County officers probed the case Tuesday, Sheriff C. H. Collier, of Meriwether County, reportedly remained ill at his residence and did not participate.

Cab-Case Suspect Released on Bond

One of two "missing body" cases that has plagued Georgia law enforcement officers several weeks moved toward its climax Wednesday, while another probe was released on bond.

Blood found on the shirt and trousers of John Wallace, one of eight men named in connection with the slaying of Wilson Turner near Newnan, came from a human, Dr. Herman Jones, head of the Fulton County Crime Laboratory, disclosed Wednesday. Broughton Myhand, held as a material witness, was released Wednesday.

In the other investigation, Partin "Red" Stacks, Fitzgerald suspect in the disappearance of John F. Pittman, Macon taxicab operator, was released on $500 bond by Judge Douglas Feagin in Macon Municipal Court.

Dr. Jones, in reviewing evidence in the Turner slaying, said human blood was on the floor mat of a black Ford, alleged to have been driven by Henry Mobley in a chase to overtake Turner and his captors after the tenant farmer had been beaten.

Human blood also was found on the mat and seat covers in an automobile belonging to Herring Sivell, Dr. Jones said. No blood was found on Sivell's clothing, Dr. Jones added.

A note, written by Turner seeking help while he was in jail for investigation into the theft of a cow owned by Wallace, was recovered in a well where the body of the slain man was first hidden, investigators disclosed.

Laboratory tests were started late Wednesday on bone fragments, small enough to fit into a match box. Dr. Jones confirmed a statement of Sheriff Lamar Potts, of Newnan, that the charred bones found in a pit beside a wooded creek, are the remains of Turner.

Other evidence being held by Dr. Jones includes a knife which officers said was used to cut bushes to throw [illegible]

Dr. Jones said Sheriff Potts performed "one of the best examples of crime detection I have ever seen" in the case.

Preliminary hearings have been held in charges against Wallace and Sivell. Hearings had not been set Wednesday for other prisoners, all of whom are held without bond.

Held in jail at Newnan in connection with the case are: John Wallace, Herring Sivell, Henry Mobley, Tom Strickland, 78-year-old Mozart Strickland, and two Negroes who live on Wallace's farm.

Under normal [illegible] cases would not come [illegible] at Newnan until the September session of Superior Court, Sheriff Potts said.

(3)
7704

Name Change Is Bared

Constitution State News Service.

ROBERTA, May 6—The bizarre murder mystery of Wilson Turner whose remains have been "positively identified" deepened Thursday when two law enforcement officers reported that the remnants of a body found in a Meriwether County swamp were not those of Wilson Turner, but those of his brother, William.

Crawford County Sheriff L. R. O'Neal said here William Turner had served a sentence as a two-time deserter from the Army in World War II. Upon leaving the service William assumed the name of his brother, the Sheriff said.

He added that the real Wilson was released on bond this week from the Crawford County jail where he has been held on cattle theft charges.

At the same time, James Hillin, of the Georgia Bureau of Investigation who helped investigate the Turner case, also identified the dead man as William Turner.

The Sheriff said a cow allegedly stolen by William was turned over to Wilson and a brother-in-law, Lake W. Greene, of Macon, but the two men were apprehended before they could get the animal out of Crawford County. Greene, who was being held in Macon on cattle-theft charges, was released on $250 bond Wednesday, Macon police reported. The whereabouts of both Greene and Wilson since their release is not known.

O'Neal said he understood the person who posted bond for both Greene and Wilson was a relative.

The cattle found in the possession of Greene and Wilson was identified as having been stolen from John Wallace, one of seven persons charged with kidnaping and murdering Turner.

Meanwhile, Coweta County Sheriff A. Lamar Potts early Thursday said the War Department would furnish the blood type of the dead man.

Sheriff Potts said Turner's blood would be compared with blood found on clothing of Wallace.

The blood found on Wallace's clothing was identified as human blood Wednesday by Dr. Herman Jones, head of the Fulton County Crime Laboratory.

Dr. Jones also said human blood was found on the floor mat of the automobile alleged to have been driven by another suspect, Henry Mobley. Blood was found on a car owned by still another suspect, Herring Sivell, but no blood was found on Sivell's clothing, Dr. Jones said.

Two important clues in the identification were listed as a note scrawled on three cigarette papers and a tobacco can found near the body. Turner was known to roll his own cigarettes.

The letter was not addressed, the Sheriff said, but asked a person named James to go to Carrollton, and give Turner's wife some money. The note was written while the person now identified as William Turner was in jail in Merriwether County on the cattletheft charge. He later was released because of lack of evidence, and his alleged beating and disappearance followed.

Sheriff Potts said the articles apparently fell from Turner's pocket when his body was pulled out of an old well.

Laboratory tests were continued Thursday on bone fragments, which were small enough to fit into a match box, Dr. Jones reported.

Other articles being held include a knife which officers believe was used to cut bushes to throw on Turner's body, and an ax. Dr. Jones said a five-gallon can was being studied.

Besides Brown and Wallace, Tom Strickland, Henry Mobley, Mozart Strickland, and two Negroes who work on the Wallace plantation are being held in connection with the case. Broughton Myhand, who was being held as a material witness, has been released.

Turner Case Trial Set Monday

Constitution State News Service

NEWNAN, June 7—Attorneys for the defense and prosecution in the William Turner slaying case Monday approved the date of trial set by Judge Samuel Boykin. The judge said the trial would begin next Monday.

The hearing was called Monday in order that new motions, if any, may be brought up by the defense. No motions were discussed, but it was explained that attorneys will have until next Monday to file any new demurrers.

Seven Meriwether County men are charged with the murder of the tenant farmer. They are John Wallace, dairy operator; Herring Sivell, Chipley dairyman and friend of Wallace; Henry Mobley, farmer and friend of Wallace, and Tom Strickland, cousin of Wallace; Eighty-year-old Mozart Strickland, uncle of Wallace, and two Negroes who worked on the Wallace farm.

Meriwether County Sheriff Hardy Collier also was indicted as an accessory before the fact.

Draft Card Is Cited In Tangle

Constitution State News Service

MACON, May 7—The expose by The Constitution in the identity mixup in the William Turner slaying case was confirmed Friday by the dead man's father, who said the trouble leading to a bizarre mystery started when William deserted the Army and took his brother's 4-F card. Seven men are being held by Coweta County officers in the probe.

John H. Turner, who has had six sons and six daughters, came to Macon from his Jacksonville, N. C., home when he heard of William's slaying. He plans to stay in Macon with relatives until the case is solved.

The elderly Turner said William deserted the Army sometime in 1942, and then obtained his brother's 4-F card. Later after serving time for the desertion and being released from the Army, William married the former Miss Julia Louise Windom, 18, in Carroll County. Carroll County records show that William married Miss Windom April 11, 1944, under the name of Wilson Turner.

His daughter-in-law did not know the man she married was really named William, his father revealed.

The elderly man went on to say that William and his wife then moved to John Wallace's plantation in Meriwether County. William was working for Wallace.

They stayed on the Wallace farm for about two years until a liquor still was discovered and then friction developed between his son and Wallace, the father said. He said the climax came, according to his daughter-in-law, when Wallace threatened William.

The couple then left the Wallace farm and moved to Carroll County.

William later was accused of stealing one of Wallace's cows and was placed in jail at Greenville. He later was released because of lack of evidence. After his release there was a wild auto chase and witnesses reported that he was savagely beaten by two men. The witnesses identified Wallace and Herring Sivell as the men who beat Turner, according to Sheriff A. Lamar Potts, of Coweta County. Besides Wallace and Sivell, five other men are being held in connection with the case.

Sheriff Potts announced Thursday that blood found in two automobiles and on clothing belonging to Wallace would be compared with the blood type of Turner which will be supplied by the War Department.

Both Sheriff Potts and GBI Agent Elijah Hancock, of Columbus, who led the searching party for Turner, said Friday that the identity mixup would not alter the status of the case against the men being held.

The burned remains of Turner were found in a swamp area in Meriwether County after a 12-day search.

Rum Plot Laid to Wallace; Special Grand Jury Called

'WILLIAM' IT IS

'Now I Know,' Julie Says of Son's Name

By CELESTINE SIBLEY
Constitution Staff Writer

FRANKLIN, May 8—Twenty-one-year-old Julie Windom was married to Wilson Turner four years without knowing his real name—and his slaying in Coweta County cleared up what had been a pleasant family "mystery" for 18 months.

"Now I know why Wilson—I'll always think of him by that name—insisted on naming our baby John William," the slender, dark-eyed widow said at the home of her brother near here Friday. "I knew he said John was for his father but he wouldn't tell me the truth about why he wanted to call the baby 'William.'

"Sometimes he'd say it was for his brother—and sometimes he'd say it was for mine. Then again he'd just grin and say, 'Maybe some day you'll know, Honey.'

"Now I know."

That was Mrs. Turner's only reaction to the news that for four years she had been technically married to her husband's brother.

"I don't know exactly what this means about my marriage—but with Wilson gone it won't much matter. I never saw his brother, the one that name really belongs to. I expect to go to Macon to see them all—but it won't be to stay because I don't really know them."

While Mrs. Turner talked, bright-eyed John William cheerfully chewed up the pages of a seed catalogue and poked [illegible] through a crack in the [illegible]

The young mother said she was "down to rock-bottom" financially because her husband had "missed the policy man" the last time he called to collect their insurance and had therefore left her nothing but "three rooms of furniture." She said she expected to move the furniture from Carrollton, where they were living at the time of Turner's slaying, and try to get a job in a La Grange textile mill.

"I was working at a mill in Carrollton when I first met my husband. He was working on the place of Millard Rigby, where we were living when the trouble

MRS. TURNER, SON

Son's Name No More a Mystery

happened. I don't remember exactly how we met but we knew each other 10 days when we decided to get married."

Mrs. Turner said her husband never mentioned [illegible] service and at first told her he had no relatives. Later he told her "if anything happens" to get in touch with his sister in Macon.

"After he got in the whiskey business I thought he forgot that," Mrs. Turner said. "But when he turned up missing and the papers had the story, his sister came to see me and told me he had run off from the Army and taken his brother's name and draft card to keep them from catching him."

By SAM CLARKE
Constitution Staff Writer

NEWNAN, May 8—Coweta Circuit Judge Samuel J. Boykin announced Saturday night he had summoned a special Grand Jury session [illegible] the William Turner murder case.

Earlier Saturday Federal Revenue Agents reported that warrants charging "conspiracy to violate the internal revenue law" had been issued against John Wallace and 10 other men as an outgrowth of the investigation into the beating and slaying of Turner.

Judge Boykin said he arrived at his decision after a conference with Sol. Gen. Luther M. Wyatt, Coweta County Sheriff A. Lamar Potts, and Special Prosecutor Myer Goldberg.

Trials of the accused men will begin June 14 if the Grand Jury returns indictments, the judge said.

Wallace is being held in Coweta County jail here with six other men in connection with Turner's slaying. Sheriff Potts listed the other suspects as Tom Strickland, Herring Sivell, Mozart Strickland, Henry Mobley, and two Negroes who worked for Wallace on his Meriwether County farm.

The Federal revenue authorities said they believe they have broken up one of the biggest liquor rings in Georgia. They added the investigation into alleged illegal liquor operations in Meriwether County began six months ago.

A former Deputy Sheriff of Meriwether County, Cecil Perkerson, was arrested in the liquor case but was released on $1,000 bond, Deputy U. S. Marshal W. N. Thompson reported Saturday night. Deputy Thompson said Perkerson was a brother-in-law of Herring Sivell.

Perkerson was deputy under Meriwether County Sheriff Hardy Collier until he resigned to run against Collier for the office, the revenue agent declared. Perkerson was defeated in the recent election.

Revenue Agent Thompson listed the other men for whom warrants were issued in the liquor case as Tommy Window, brother of the wife of slain William Turner, Shorty King, Charlie McGruder, Jamie Bray, Mack Scott and Will King. Warrants also were issued against two Negroes being held in Coweta jail in the Turner slaying, Thompson revealed.

The Federal Agent said a squad of State and Federal revenue authorities assisted Sheriff Potts and GBI men in the search for Turner's body through thickly wooded areas in Meriwether County. He added in the course of the search two stills were discovered.

The remains of Turner's burned and buried body were found in a thicket in Meriwether County on property reported to belong to Wallace.

Another Federal Agent testified at a commitment hearing for Wallace and Sivell that Wallace had said he "often thought of killing Turner." Federal officers said they had questioned Turner about liquor stills, but he gave them no information. Turner's body was found 12 days after he disappeared.

Turner was placed in Greenville jail on a cattle theft charge, but was released later because of lack of evidence. Sheriff Potts said when Turner left the jail he was followed by Wallace who had accused him of the theft of a cow. A wild auto chase ended when Turner pulled into a tourist camp in Coweta County.

Sheriff Potts said two men jumped out of their car, savagely beat Turner, placed him in their car and sped away. He was never seen again. Witnesses to the beating later identified Wallace and Sivell as the man who attacked Turner, the Sheriff reported.

Wallace and the other suspects in the Turner case, the revenue agents revealed, will be tried in the murder case before the liquor charges are brought up.

7705

Constitution Staff Photos—Ryan Sanders

JOHN WALLACE
Witness Stand Drama

FACE TO FACE—Leaving the courtroom after admitting the death-shooting of William (alias Wilson) Turner, portly John Wallace is confronted by the victim's wife and young son. The murder suspect and Mrs. Turner exchanged searching looks for a tense moment. Then Wallace walked on. The case is expected to go to the jury today.

John Wallace Admits 'Accidental' Killing of Turner

(Pictures on Page 6.)

BY CELESTINE SIBLEY
Constitution Staff Writer.

NEWNAN, June 17—John Wallace told a Coweta County jury this afternoon that he "accidentally" killed William H. (alias Wilson) Turner while trying to "bluff him" into telling me where my stolen cows were.

He made the dramatic climax to six hours of almost unbroken testimony. Wallace said Turner suffered only a cut ear at the Coweta County tourist camp where the State alleged he was killed.

Death came some time later, Wallace told the jury, when he took Turner to the scene of Turner's first alleged cow-stealing crime in an effort to get a confession from him. Wallace said only his uncle, Tom Strickland, witnessed the shooting and he completely exonerated Herring Sivell and Henry Mobley.

Wallace said he stood five feet from Turner beside an old well in the cow pasture when "I heard somebody holler down by my right. . . . I turned my head in the direction of the hollering and transferred the shotgun from my right hand and laid it in the bend of my left arm. At that instant, the gun fired. I didn't see Turner when it fired. I didn't see his face. I had no control over the gun. It blew off the top of his scalp, and when I looked, the man was lying full length with the top of his scalp torn off."

Wallace made it clear that the shooting occurred on the farm of the Chattahoochee Valley Lumber Company, in Meriwether County. He said he changed Turner from Sivell's car when Sivell had a flat tire en route from the Sunset Tourist Camp.

Turner, Wallace said, was fully conscious, got out of Sivell's car "under his own steam and sat down in the foot of Henry Mobley's car at my instruction."

On the way to the well side where the shooting occurred, Turner smoked two cigarettes and chatted about the way dust sifted in through the fittings around the doors of new cars, Wallace said. He said they left Sivell with his car and the flat tire, and when they reached the old farm, he told Mobley to "go on home."

"Mobley never left his car, never placed his hand on Turner that day," Wallace said.

Tom Strickland and Turner got out of the car with him, Wallace said, and followed him off into the woods.

"I led the way," he said. "I didn't know where I was going or what developments were coming up." He said he took Turner back to the scene where his first cows were stolen "with the same idea in mind that Sheriff A. Lamar Potts, of Coweta County, had when he took Sivell back home to get a confession from him.

"He had a prisoner and he wanted a confession from him," Wallace said. "I had a prisoner, and I wanted a confession from him."

Wallace did not mention the disposal of the body, but made a final plea to the jury to believe in the truth of his statement and to allow him to go back home to his family.

GBI Agent J. P. Hillian, who headed the investigation of the Turner murder, said Wallace's dramatic confession would make no difference in the State's case against him. He said the prosecution undoubtedly would proceed with its final arguments tomorrow as planned and "leave it up to the jury to give its verdict."

In his seven-hour statement, Wallace quoted Turner as telling him, "Put me in the well and let me stay three or four hours, and then I'll move back to your place and work for you."

Wallace said he did not know why Turner said that, he had not even thought about putting Turner in the well.

"I just looked at the well and

Indications are the State will re-introduce Dr. Herman Jones, Chief Rader of the Carrollton Police, and Sheriff Potts.

The case is expected to reach the jury today. Although defense attorneys did not formally rest this afternoon, they indicated they would be ready to close their case tomorrow.

Earlier in the day, Wallace said he did not believe the jury to believe in the truth of his testimony, but added the case would be retried in Coweta County or in Meriwether County.

looked at Turner," he said.

In the longest statement ever made by a defendant in the Coweta Circuit in 56 years, Wallace made an impassioned plea to the jury to understand his position as a hard-working farmer who, he said, struggled for two years against Turner's houndings "as a lawbreaker and cattle thief."

"I'm not afraid to die," cried Wallace, striking the witness box with his doubled fist.

"If it means my death to tell the truth, I'll die telling you the truth. I didn't intend to kill Wilson Turner. I'm an average church-going man and I love my God like you love your God. Your God is my God. I'm no cold-blooded head-hunter."

After talking five and a half hours, the hoarse perspiring man had traced his entire acquaintance with the slain Turner and reached a point where he and three neighbors, Tom Strickland, Herring Sivell and Henry Mobley, had set out for Meriwether County jail to see Turner.

Wallace said: "I wanted to talk to Turner, but I didn't mean to talk to him in jail. It wasn't the first time a man was taken out and talked to."

"I had a shotgun in that car. I'm not going to lie to you gentlemen. I didn't take that gun to kill anybody with. I had no idea of killing anybody. I didn't leave my home with murder in my heart."

Wallace's testimony, delivered calmly and with dramatic pauses for emphasis, was expected to be his only defense. Last-minute refusal of Herring Sivell and Henry Mobley to take the stand "left me here a stranger in a strange land with nobody to help me, but God's help in telling you gentlemen the truth," Wallace said.

Wallace's attorneys said they did not know until five minutes before they began the presentation of their case today that Sivell and Mobley would not testify in the trial. Pierre Howard, attorney for the other two defendants, announced to the court he had advised them of their constitutional right to refuse to give any testimony that would incriminate themselves. Gus Huddleston, of Greenville, attorney for Wallace, insisted that Mobley say himself whether or not he wanted to testify.

"I can't talk without incriminating myself," Mobley said and was allowed to leave the courtroom. Huddleston accepted their attorney's word that Sivell would say the same thing.

Making Punishment Doubly Sure

We are glad Federal Revenue Agents have issued warrants against the Meriwether Countians involved in the murder of William (alias Wilson) Turner.

We have no doubt but that the overwhelming mass of evidence which Coweta County Sheriff Lamar Potts has amassed against them will result in the death penalty for at least several of those responsible for the despicable crime. Not even the most lenient jury could fail to convict the brutes who literally beat a poor devil to death before the eyes of a number of witnesses.

But the liquor ring out of which the slaying grew was a far-reaching one, as attested by the fact that Federal warrants have already been issued against 11 persons involved therein. And its power has clearly been demonstrated by the unmistakable reluctance with which at least some elected officers joined in the efforts to apprehend Turner's slayers.

It is a terrible thing when criminals and racketeers get such a grip on any government that its citizens must look to Federal authorities to insure that all those responsible for so brutal and brazen a crime will get at least a measure of punishment. Nevertheless, it is undeniably reassuring to realize that Federal prosecution is in the offing for whatever portion of the liquor ring manages, by pressure or otherwise, to escape the rightful penalty for its deeds.

Incidentally, Meriwether is not the only county in which such characters have become mightier than the law. We wonder if it will take such a notorious crime as the Turner bestiality to awaken the good citizens of those counties to the need for a housecleaning.

Turner Case Pleadings Set

NEWNAN, June 1.—(AP)—Judge Samuel J. Boykin, of Coweta Circuit, will hear pleas of eight men at a hearing in the Turner case Monday, Luther M. Wyatt, Solicitor General of the Circuit, said Friday.

If any of the accused plead guilty Judge Boykin will sentence them immediately. Regular trial

will be June 14.

Seven of the men were indicted for murder by a Grand Jury Monday. Included were Henry Mobley, Tom Strickland, Herring Sivell, John Wallace Mozart Strickland and two Negroes. Meriwether County Sheriff Hardy Collier was also indicted as an accessory before the fact.

Seven Others Cited In Murder Charges

Constitution State News Service.

NEWNAN, May 31—An indictment charging Meriwether County Sheriff Hardy Collier with being an accessory to a murder was returned Monday by a Coweta County Grand Jury.

The indictment grew out of one of the strangest cases in the annals of Georgia crime—the slaying of William Turner, Meriwether County tenant farmer.

The Special Grand Jury indicted seven other men on murder charges in the bizarre case. They were listed as John Wallace, Herman Sivell, Henry Mobley, Tom Strickland, Mozart Strickland, and Negroes Albert Brooks and Robert Lee Gates.

The seven are being held in jail without bond. Sheriff Collier has posted a $10,000 bond.

The case actually began several weeks ago when Sheriff Collier arrested Turner on a cattle-theft charge; then released him because of lack of evidence. At the time of the arrest he was booked as Wilson Turner.

According to police, Wallace and Sivell, two of those being held, followed the tenant farmer when he left Meriwether County jail. Then, police relate, began a wild 10-mile automobile chase which ended at a tourist camp.

Coweta County Sheriff Lamar Potts said witnesses at the camp identified Wallace and Sivell as Turner's pursuers who leaped from their car, savagely beat the farmer; then drove away with him.

That was the last time Turner was reported alive. For nearly two weeks hundreds of law-enforcement officers and volunteers searched the area for Turner's body. The burned and charred remains finally were found on property reported as belonging to Wallace.

After the remains were identified by Fulton County Toxicologist Herman Jones, the case took another strange twist. Members of Turner's family identified the slain man as William rather than his brother Wilson. They explained the mistaken identity resulted from a war-time practice of William which he employed after being drafted into the Army. They said William would go AWOL and take the identity and draft card of Wilson, who was listed as a 4-F. They said William frequently used Wilson's name.

During the investigation and hunt for Turner, Sheriff Potts said the Meriwether County Sheriff had declared he and Wallace were eating dinner at the time the slaying was supposed to have taken place.

Date of the trial has been set as June 14.

Slain Georgian's Body Was Burned At Night, Farm Hand Testifies

NEWNAN, Ga., June 16—(AP)—Landowner John Wallace burned the body of a former tenant, Wilson Turner, "at an old still place," in a funeral pyre that flamed to the tree tops, the prosecution contended today at his murder trial.

Testimony to this effect was introduced through Robert Lee Gates, who said he and another Negro farm hand, Albert Brooks, were helpers at the cremation in a swamp woodland the night of April 20.

Gates said they all returned after daylight, scooped up three sacks full of ashes and scattered them in a creek.

Wallace, a wealthy dairyman whose farm covers 2,000 acres in Meriwether County, the Negroes, and four others are charged with murdering Turner. Wallace was the first to face trial.

* * *

ONE STATE WITNESS said Wallace and his former share-cropper had a falling out over liquor making. Another described the dairyman as becoming enraged at Turner after accusing him of stealing a valuable cow.

Other witnesses yesterday told how Turner, just released from the cow stealing charge at the Meriwether County seat of Greenville, drove madly in his truck into a Coweta County tourist camp screaming for help. They said Wallace and Herring Sivell, a dairyman, were chasing him and that Wallace hammered him to the ground with a shotgun.

THE SHARE-CROPPER, the witnesses said, was thrown into Sivell's car, again clubbed savagely, and hauled off.

All this, they testified, happened on April 20.

That night, Farmhand Gates told the jury, "Mr. John" came to his house and had him saddle two horses. He then described an eerie midnight trek on horseback in search of a "package in a well."

They finally found it he said, and it was Turner's body, which they hauled out with a grab hook caught in a shoe. They wrapped it in a sheet, he went on, swung it to a pole and carried it by horseback until the swamp growth became so thick "the horses couldn't go."

Wallace, the Negro said, then directed him and Brooks to take the corpse afoot to a spot where cord wood was piled high.

"It was an old still place," said Gates, "and we laid him down."

The cremation and scattering of the ashes, he testified, followed after "Mr. John went home to get a while."

7709

Body of Youth Found In River, Three Charged

3 Other Boys Are Held In Death At Pikesville

Pikeville, Ky., April 16 (AP)—Three youths were charged with murder today and three others were being held for investigation of murder in the death of Arnold Dorton, 19.

The victim's body was recovered from the Big Sandy River this morning. Sheriff D. C. Moore said there is "every indication of foul play". The boy had suffered a broken neck and fractured skull.

Moore said Dorton disappeared April 2.

The sheriff identified those charged with murder as Fred Phillips 15; Frank Holt, 20, and Martin Thomas, 20, all of Pikeville.

Moore said three other persons, including a close relative of the victim, were being held for investigation. He declined to identify them.

7711

One Family Burned to Death by Mob, Boy Says

NEW ORLEANS — [illegible] the [illegible] that his parents and six of their children were burned alive in their sharecropper's shack [illegible] have been discovered.

Fifteen-year-old Henry Brown, from Meridian, Miss., last week told Atty. A. P. Tureaud, president of the State NAACP, and The Courier, that a white mob surrounded his parents' home about six miles from Meridian, poured gasoline around the place and burned his pregnant mother, father, four sisters and two brothers alive.

Henry Brown

While neither The Courier nor the attorney has been able to verify anything as yet, the youth said the affair was the outcome of his father's killing a sheriff, Frank Kines, on whose farm the family worked. Young Brown, unable to read or write, said the white man had beaten Mrs. Brown, and his father, Enoch, came home and discovered it. The killing ensued.

According to the boy's story, the [illegible] took place about [illegible] ago but persons contacted in Meridian profess to know nothing about the incident nor could they locate the place of which he told

Mississippi

7706

Hogs Road, Lynched In Mississippi

HOUSTON, Miss. — A lynching occurred here Saturday.

It was so brutal, and its provocation so trivial that even Mississippi whites were stirred to action.

Hard-working farmer Malcolm Wright was beaten to death by three white men because the wagon he was driving prevented their auto from passing him.

Wright's wife and four children witnessed the lynching.

The three white men were quickly arrested and arraigned for the lynching; they are James Moore, of Thorne; Eunice Gore, a soldier at Keesler Field and James "Red" Keelum, also of Thorne.

Deputy Sheriff T. A. Bryant said the area "was pretty hot" against the white men because Wright was respected as a hard-working man "who minded his own business."

Bryant said that white residents have contributed "several thousand dollars" toward the prosecution of the lynchers.

According to the story told by Wright's wife, the family was driving to town in a wagon to do their Saturday shopping. A truck driven by the whites passed the wagon twice.

On each occasion they cursed and yelled at Wright.

After passing the wagon a third time, they stopped the truck, got out and attacked Wright with a jack handle, beating him to death "for not moving over fast enough."

This is the second recorded lynching of the year. The first was that of Caleb Hill, lynched by a mob in Irwington, Ga.

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The three white men were quickly arrested and arraigned for the lynching; they are James Moore, of Thorne; Eunice Gore, a soldier at Keesler Field and James "Red" Keelum, also of Thorne.

Deputy Sheriff T. A. Bryant said the area "was pretty hot" against the white men because Wright was respected as a hard-working man "who minded his own business."

Bryant said that white residents have contributed several thousand dollars toward the prosecution of the lynchers.

According to the story told by Wright's wife, the family was driving to town in a wagon to do their Saturday shopping. A truck driven by the whites passed the wagon twice.

On each occasion they cursed and yelled at Wright.

After passing the wagon a third time, they stopped the truck, got out and attacked Wright with a jack handle, beating him to death "for not moving over fast enough."

This is the second recorded lynching of the year. The first was that of Caleb Hill, lynched by a mob in Irwington, Ga.

7707

Lynching Takes Place in Miss.

Attempt Made to Call It Merely a Slaying

By JOHN LeFLORE

COLUMBIA, Miss.—While Dixie Senators cunningly planned a filibuster in an attempt to defeat proposed Federal antilynching legislation, mob violence snuffed out the life of a 40-year-old man near Cheraw, Miss., several days ago.

The victim was Hosea Carter, whose buckshot-riddled body was found in a wooded section last Sunday by an "unidentified" white man. The scene of the lynching was about 15 miles from Columbia.

Hosea, who was married and the father of four children, lived in the vicinity between Cheraw and Sandy Hook.

He was accused of having made several visits last Saturday to the home of a German war bride and "frightening" her, during her husband's absence.

Two Others Released

Two other men who, Sheriff J. Calvin Broom said, were "chasing up and down the road" with Carter in an automobile at the time, were jailed at Columbia for safekeeping.

However, they were released from custody Friday, the sheriff told the AFRO-AMERICAN Saturday. They were Willie Carter, the lynch victim's brother, and Willie Harris.

Arrested in connection with the death was Raeford Prift, white. He was said to have gone with the woman's husband, Ray Renfro, to Carter's house after the alleged visit to the white man's home.

Prift was charged with murder and released on $5,000 bond, pending action of the next term of the Marion county grand jury, which meets on June 21.

Don't Want It Called Lynching

He has accepted responsibility for the slaying of Carter. The move is believed to be a ruse to avoid the lynch stigma, in view of probable action in Congress to make lynching a Federal crime.

Sentiment in the county indicates the grand jury will not return a true bill against the white man.

Despite denial by Sheriff Broom that Carter was lynched, one terror-stricken man who knew of the incident but who are afraid to be quoted, declared the man died by mob violence.

The sheriff said that Renfro was a former Army lieutenant, and had served with the occupation forces in Germany. There he married the German girl and brought her to his home in Mississippi.

Says He Wanted Date

The law officer said the girl could speak only "broken" English and knew but little about the South's racial customs.

According to him, Hosea Carter, having heard it said that French women "preferred colored men to white," thought he could "make a date" with the German girl.

Continuing, Broom said, "He got as far as the porch twice and inside the door once, but not into the living room. The other two remained in the car. All of them were about half-drunk.

Defends Trigger Man

The sheriff said further that when Renfro learned of Carter's visit to his home, he and Prift armed themselves and went to Carter's house.

"Prift shot the 'n——r' when he reached for a gun over a window. He did what any other decent white man would have done," the sheriff added.

Broom said the men didn't think Carter was wounded seriously "since he leaped out of the window" and lost his pursuers.

When asked when did the shootaffray take place, the sheriff said about "midafternoon Saturday." However, Carter's body was not found until the next day.

One Shot, Several Holes

A gaping shotgun wound in the chest and several smaller holes, such as would be caused by bullets, were discovered. What appeared to be knife gashes were also found on the body.

The sheriff's office did not make a public report of the slaying until Wednesday—after Carter was buried.

A reliable source told the AFRO-AMERICAN that Mississippi's big-wig politicos have passed the word down that the mob violence must not be identified as a lynching.

Rev. .

7708

Willie Earle's Mother Seeks $2,000 Fund

GREENVILLE, March 25—A request for $2,000 payment to the mother of Willie Earle, the Negro who allegedly was lynched in the famous Greenville case last February, has been received and refused by County Attorney J. D. Todd, it was revealed today.

Todd said that he had turned down the request because of insufficient evidence that Earle died at the hands of the lynch mob.

The request for payment to Tessie Earle came from Harold R. Boulware, Columbia attorney who is representing her. His letter asked the payment in accordance with a state constitutional provision that the county in which a lynching death takes place must pay $2,000 to the victim's legal representative.

Thirty-one white men were tried last May in connection with the killing. Three were freed on a directed verdict, and the others were acquitted by the jury.

7712

Cherry won't try to buck lynchers in Smith case

Tribune Los Angeles, Calif.
12-1-3-48

NEW YORK—Gov. R. Gregg Cherry, of North Carolina, who got his ears pinned back when he tried to bring the would-be lynchers of Godwin Bush to justice, gave up easier when Charlie Smith, Negro, was mobbed and killed at Angier, N. C., last month was revealed this week.

Gov. Cherry, who was appealed to by the NAACP to bring the lynchers to justice, replied by a letter to NAACP executive secretary Walter White that he could do nothing in Smith's case.

"It does not appear that this is a case which is of a nature that the Governor could accomplish anything," the executive wrote . . . "The offense does not have the earmarks of a lynching," he added.

Commenting on the letter, White said, "It is inconceivable that Gov. Cherry, after admitting knowledge of this incident should conclude that the brutal murder of a Negro by a mob of vicious white men is not a lynching and therefore he can do nothing."

Smith was killed by the mob Nov. 10 after he had quarreled with one of its members in a gas station. A friend, Daniel Lee Bassford, also Negro, was mobbed and left for dead and is at present still critically ill in a North Carolina hospital.

1-3-48

Gov. Cherry had previously made a determined effort to bring the would-be lynchers of Godwin Bush to justice. Bush was taken from a North Carolina jail last May, but escaped his lynchers.

The North Carolina governor used the strategem of moving the lynchers trial to a neighboring county under an old North Carolina law in order that the jury might not be swayed by local sentiment. Despite this, however, the jury set Bush's assaulters free.

Widow Recalls Lynch Scene

Mrs. Amy Mallard, wife of Robert Mallard, who was lynched in Lyons, Ga., on Nov. 20, bursts into tears in Toombs County Jail where she accused Wililam L. Howell, white, 24, of "killing my husband, because he (Howell) was right there with the rest of them."

Mrs. Amy Mallard Near Collapse in Ga. Ordeal

'Steady Nerves' Keep Her Going in Fight for Justice in Brutal Slaying of Husband

By DOUGLASS HALL

LYONS, Ga.—"Let them take my picture. . . . I don't mind the world seeing me . . . I only wish they could have seen my husband that night, dying . . .

That is the answer Mrs. Amy Mallard gave when someone suggested that she stop persons from taking pictures of her as she sat in the office of her lawyer, Aaron Kravitch, Savannah, Ga., last week.

Mrs. Mallard's husband, Robert, was "lynched" several weeks ago in Toombs County, as she and several others looked on.

I talked with her at length. She seemed always on the point of collapse. I expected her to faint at any time. But she kept going, explaining that "I have good, steady nerves."

Fights Battle Alone

As she sat in the office she seemed so alone—fighting the big battle without aid. I looked around the office to see just who was there that could give her a word of comfort. There were none.

Her daughter, Mrs. Doris Byron, sat near her at all times, but she was much more excited than her mother.

"Can't I sign the warrant here in Savannah? Why do I have to go all the way up to Lyons? Will I get protection?" These are some of the questions that Mrs. Mallard asked Mr. Kravitch, who was busy staying out of the way of photographers, making sure that he would not be photographed with colored persons.

Mrs. Mallard, nerves on edge, pleaded with the attorney for advice—but all she got was a very harsh answer, and a threat . . . "Go ahead and do as I told you." Lawyer Kravitch, who is getting quite a bit of free publicity out of this case, snapped, "if you don't we will get a warrant and take you up there."

Mrs. Mallard was crying.

Escorted by Troopers

Lt. W. E. McDuffie of the Georgia Bureau of Investigation, assured Mrs. Mallard that she would be brought back to her hideout in Savannah. Still doubtful, the trembling widow, walking between Lt. McDuffie and Cpl. D. E. Watson of the Georgia State troopers, left the building.

Along with other newsmen, I trailed the trooper's car at about 80 miles an hour. The only way we caught up with them is that they gave out of gas and had to stop for a refill. We got lost, went 20 miles out of the way, but managed to get in Lyons five minutes before Mrs. Mallard's party reached there.

Once on the courthouse grounds it seemed as if all were taking the matter as just another occasion. There were a few persons standing around the jail—and about a dozen seated on the entrance to the courthouse. They did not seem the least bit concerned when we drove up.

Newsmen Barred

When the car carrying Mrs. Mallard drove up in front of the jail door, all the prisoners were looking through the bars. Sheriff [illegible] Gray of Toombs County came over and conferred with State troopers and GBI officials and after several minutes Mrs. Mallard was escorted into the jail.

Newsmen were barred from the jail, but the following account was given by persons who witnessed the affair:

Identifies One of Mob

Six prisoners were lined up against the wall and Mrs. Mallard was asked to pick out the man who was there on the night that her husband, Robert Mallard, was killed. She unhesitatingly pointed to and named William L. Howell. The white men were dressed in overalls and did not speak, except that Howell confirmed his name.

When asked if she recognized any of the other men as being there that night, Mrs. Mallard stated that she recognized the car of R. L. Clifton "because of the radio aerial on the rear of it."

Mrs. Mallard then walked to the courthouse, 100 yards away, and swore out a murder warrant for Howell. The process was long and technical. Often during the hour-long session she needed the advice of her attorney, but he had seen fit to remain in Savannah.

One Lawyer Withdraws

It was reported that J. Ellis Pope, white, of Lyons, who was associated with Kravitch as counsel for Mrs. Mallard, had withdrawn from the prosecution "under pressure."

After many [illegible] advice, blunders, conferences and what not, Mrs. Mallard finally became the first colored woman to accuse a white man of murder in Toombs County, Ga.

LYNCHING PROBE MOTIVATED BY HUMAN JUSTICE:

Georgians Blind 'Mentally Ohio Industrialist Finds

CLEVELAND—The graphic story of the harrowing experiences of Joseph Goldwasser, courageous department store owner, who flew to Georgia, made a personal investigation of the lynching of Robert Mallard, and obtained a tear-filled statement of the mob slaying from his widow for presentation to Gov. Herman Talmadge, was unfolded in a five-day account of the white businessman's trip, this week.

Mr. Goldwasser, now safely back in Cleveland, made the trip solely in the interest of human justice, and modestly says: "Don't picture me as a hero, I was too frightened in Georgia for that. I am just a man who believes in justice and I will spend any amount of money to see that justice is done in this case."

Inspired by a Nov. 29 news account of the Nov. 20 lynching of Mallard, in which it was pointed out that no information on the mob murder was available and that Gov. Talmadge welcomed help, Mr. Goldwasser boldly telephoned the Georgia Governor for an appointment, then started on his history-making adventure.

NAACP Life Member

The diary of the Clevelander, who is a life member of the NAACP, follows:

NOV. 29—After telephoning Talmadge, I called Charles P. Lucas, secretary of the Cleveland NAACP, who gave me the name and address of Austin T. Walden, of Atlanta, legal counsel of the NAACP.

NOV. 30 — I left Cleveland by plane for Atlanta, arriving there about 1 p.m. I went directly to Walden's office but was told there was "no information" available. I asked about Mrs. Mallard's hideout and learned that she was in Savannah and only an undertaker could give him the address.

En route to airport, a cab driver muttered, "Serves the n----r right." I flew to Savannah and found the undertaker but was told that he would have to get permission of a minister. He then contacted the minister who was given instructions to pick him up near the airport, so as not to be seen talking to colored persons. I had the minister signal me when he drove up and I got in the car quickly and was taken to a secret destination.

Neighbors Frightened

At this particular place, prominent Georgians discussed the case, advising me how I could go about the task. They were amazed that a white Clevelander would come down to Georgia to investigate the case. They stayed up until 1:30 a.m. discussing the race question. The residents were fearful of neighbors who might report them for socializing with a white man so they pulled the blinds down.

The minister made the arrangements to pick me up the next morning at a tourist home on the outside of the city but, knowing the South after 21 years of travel, I decided to possibly throw anybody off who might be trailing, so I registered at the Savannah Hotel under a fictitious name, checked out, registered consecutively at two smaller hotels in the area, and then got a cab to within a block of the tourist home. I walked the remaining distance. I was afraid I would be spotted so I used this ruse to cover my whereabouts.

I retired at 3 a.m.

Whites Blinded Mentally

DEC. 1—During breakfast at a corner sandwich spot, I conversed with a woman and asked her about the lynching. She eyed me suspiciously and left. The minister took me to the hideout of Mrs. Mallard and I spent several hours there. I got the names of the two suspects and where they lived and how I could reach their farms. I took a bus from Savannah to Lyons about noon and spent a few hours loitering in stores.

I went into a general store in Lyons, bought some candy, and asked the owner about the lynching. He said: "Mallard deserved to be killed. Every Negro does." I noticed that although many of the white people were talking about the lynching, few were concerned about arresting the murderers. I got a picture of a rotten element — a colored person hated so viciously that people were blinded mentally.

I took another bus to within nine miles of the Providence Baptist Church, the scene of the lynching. Then I went to a gasoline station, left my top coat and business suit coat there, and started down the road in shirt sleeves. It began to rain and I got wet.

Hitch-hiked Rides

I tramped down the wet red clay road two miles to a farm house where I bought a pair of old shoes, a worn hat, and a pair of overalls which I had to wrap a rope around to hold up. Then I began walking. I hitch-hiked a ride, and the middle-aged mals driver talked freely about the killing. "Took place ten days ago. KKK did it. Whatever the man got, he needed it," the farmer said. I picked up another ride with a farmer who was riding on a wagon drawn by mules. The farmer knew all about the lynching, too, mentioning that he was sorry he wasn't there.

I ended the ride near the church, and walked to the church and looked around. Later, I picked up a ride in the direction of the Mallard farm, and noticed how well it was kept. I talked to a neighbor who told me that he was not in sympathy with the killing. "I'm not affiliated with the Klan, but I've got to be cautious about what I do."

Visits Suspect's Farm

I walked a mile to the farm shack of Roderick Clifton, one of the suspects, and found children playing in front of the place. I spoke to an illiterate white woman. She knew about the killing but she didn't go into detail. She was hesitant to speak about the fact. I didn't see any men around and didn't know who the woman was.

She told me that the whites in the area had to keep the colored people in their place. I wandered about the section, and questioned various farmers. All knew about the killing and talked about it freely. Very few can read or write.

As darkness settled, I went to a garage and asked to spend the night. I was referred to a three-room cabin occupied by an elderly white couple, and paid $2 to sleep on a hard bunk.

DEC. 2—I ate a typical "hard Georgia" meal and set out for the Howell farm, home of another suspect. I walked the entire three miles but found the shack deserted. I hitch-hiked back to the gasoline station, picked up my clothes, and headed for Lyons, taking a bus from there to Savannah.

DEC. 3—I went to Atlanta and met Governor Talmadge. The Governor was curious as to why I would make such an investigation. I told him that I was interested in human justice. I gave the Governor the copies of the statements and the Governor said that there was sufficient evidence for Mrs. Mallard to swear out a warrant for the arrest of the two suspects. I asked that this not be done since she might be killed for knowing too much. I told the Governor that I was going to present the evidence to the FBI if there was no action in 48 hours. The Governor refused to comment.

GBI Acts in Case

Later, the Georgia Bureau of Investigation acted, arresting five suspects in the vicious killing.

Mr. Goldwasser is a member of the Future Outlook League in Cleveland, a Mason, member of the Zionist Organization of America, president of the Peerless-Goldwasser Department Store, 2811 Woodland Ave., and also heads the Peerless Rubber Company, which had contracts for shipments of used rubber to Russia during the war.

He is married and father of two children. He is a lawyer with a law degree from the Ohio Northern Law School, though he does not practice law. He is an active member in the NAACP and serves on the Cleveland branch's executive board.

INSTITUTE, TUSKEGEE INSTITUTE, ALABAMA

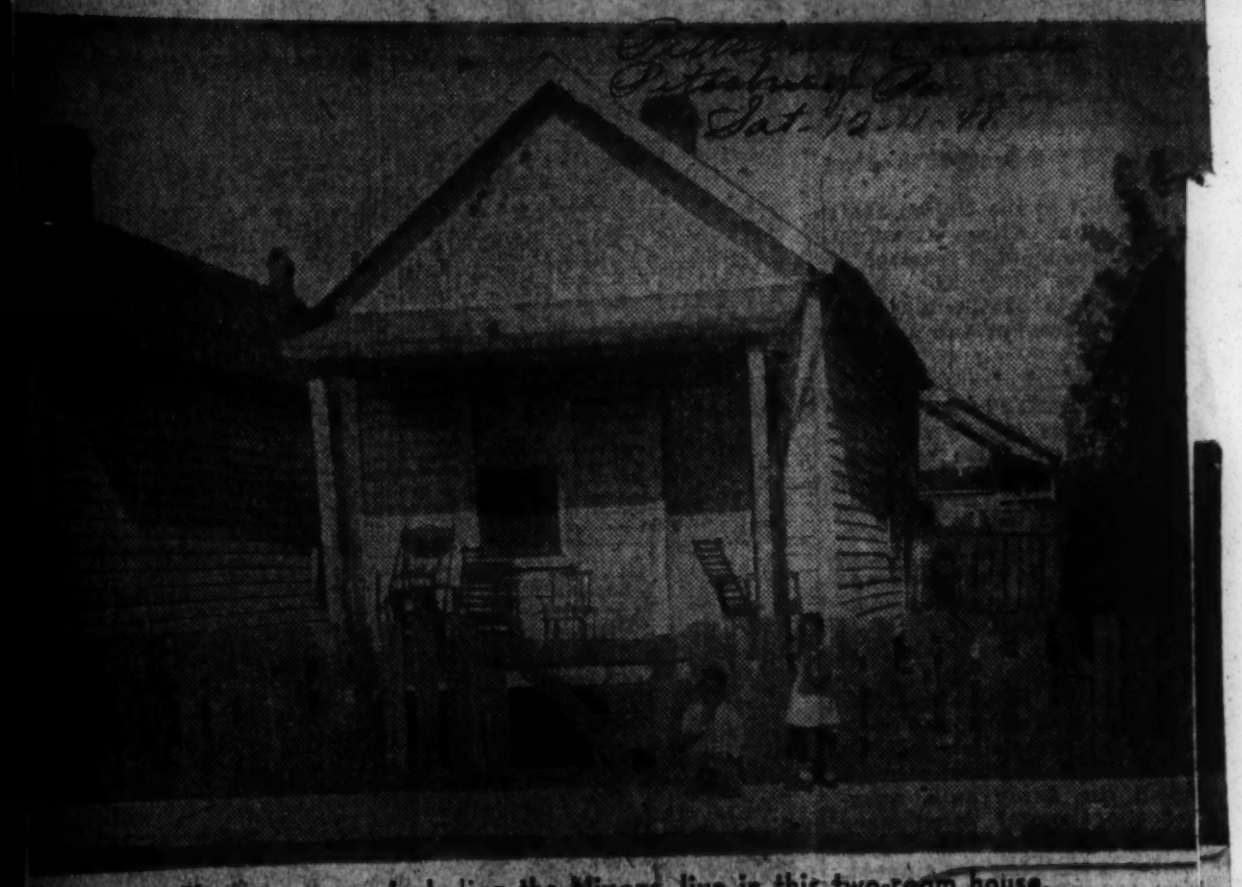
Associated Press Photo

TURNER KIN EXAMINE EVIDENCE—J. H. Turner, left, and Wilson Turner, father and brother of the slain William Turner, look over some of the evidence which will be used in the trial of John Wallace for the "burned-bones" murder of Turner. Wallace, prominent dairyman from near-by Meriwether County, is under indictment with four other white men and two Negroes.

Constitution Staff Photos —Ryan Sander

SCENES AT TURNER MURDER TRIAL—Miss Mayhaley Lancaster, upper left, Heard County mystic and one of the State witnesses in the Turner murder case, obligingly makes notes for a Constitution reporter while the jury is picked in Coweta Superior Court to take up charges against John Wallace, one of the seven defendants in the case. Upper right is a general courtroom scene, showing Wallace, left, and John Mobley, another defendant, seated behind the defense table. Lower, left, Wallace is shown with his wife and her father, J. W. Leath, former County Judge of Blountstown, Fla. Lower right, Defense Lawyer Pierre Howard offers peanuts to Herring Sivell, second principal defendant, whose trial was deferred until after Wallace's is over.

Here's Where the Nixons Are Living



Eleven persons, including the Nixons, live in this two-room house.

Nixon Slayer Notorious For Assaults On Negroes

ATLANTA, Nov. 24 — The National Association for the Advancement of Colored People learned this week that the two men recently acquitted by a Georgia Superior Court jury in the slaying of 28-year-old Isaac Nixon are the same two men at whose hands D. V. Carter, president of the Montgomery County NAACP, was beaten for carrying Negroes to the polls to vote in the Georgia Democratic primary murderers, John Johnson and election.

NAACP Assistant Special Counsel Franklin H. Williams, who has been investigating the case, reported that the two freed his brother M. A. Johnson, are notorious in Montgomery County for their record of assaults on Negroes.

The Johnson brothers shot and killed Nixon because, despite warnings from whites, he had insisted on voting in the primary on September 8 and had urged other Negroes to vote. They assaulted and beat Carter and broke his wrist after he had driven Negro voters to the polls in his automobile.

The NAACP is assisting in the care of the Nixon and Carter families and is exploring possibilities of bringing a civil suit against the acquitted Johnson brothers.

Refugees Eye Empty Christmas

By A. M. RIVERA Jr.
And C. L. WASHINGTON

JACKSONVILLE, Fla. — The Courier has found Mrs. Sallie Nixon! Pathetically depressed and desperately in need of immediate aid, Mrs. Nixon, her six small children and her mother-in-law are living in one small room . . . dreaming of an empty Christmas.

Widowed because her husband, Isiah Nixon, dared to vote in the Georgia backwoods country, the fear-stricken family fled from their home in klan-infested Montgomery County and are still afraid to return.

Having no funds and no place to live, her uncle, John D. Kelly, despite his own unemployment, crowded Mrs. Nixon and her destitute family into the tiny, two-room house where he lives with his wife and child.

Surrounded by her bright, but shabbily clothed and undernourished little flock, who seemed saddened at her statement, Mrs. Nixon told us:

"The kiddies are all talking about what they want Santa to bring them for Christmas. But if we don't get help, there just won't be any Christmas. We don't even have enough to buy enough milk for them.

"They need nourishing food and clothes badly, and we just don't have any money to get what we need," she added.

"My poor kids still remember that awful day last September when they saw their father shot down by white men.

"The other day a light-skinned colored man came to take our pictures. When little Connie saw him, she started screaming and crying. They're still nervous and high strung."

Mrs. Nixon had just returned from town, looking as sorrowful and depressed as any one could possibly be. It seemed as if she was trying to carry the heartaches of the whole world upon her small, frail shoulders. We asked about her sadness and she replied:

"I just came back from the relief office downtown. They told me they couldn't do anything for me and my kiddies. That's the law, they said, since we came from out of the State. We've got to live here a whole year before we can get help."

SEVEN IN TWO BEDS

When we asked wonderingly where they all slept in this tiny, two-room hut, Mrs. Nixon ushered us into the one small bedroom. Two medium-sized beds were pushed together, and a small cot stood in the corner. There was no room for a dresser, and only a little space for a passageway.

"Seven of us sleep in those two beds," she explained. And one of the kids uses the cot."

"My uncle, his wife and little girl use the front room to live and sleep in. And hooked on behind the house, there's a little kitchen. That's where we cook . . . when we have something to cook. Money has been so scarce, we've been living mostly on grits and a little milk. It's a shame, but meat is just so high that we can't buy any! she added.

"I'm worried about Isaiah Jr. He's just three months old . . . And he's got an awful bad cold. I've greased him good and he just don't seem to shake it off. He needs medicine and maybe a doctor, too. My uncle he can't get no work. So we got to get some help from somewhere."

"That $25 that Dr. R. B. Thomas Jr. of Washington, D. C., sent me through The Pittsburgh Courier was surely a God-send. We didn't have any money at all the day it came from The Courier. And Lord knows that we need and will be thankful for anything more we can get.

Just before leaving we went to the nearby grocery and bought milk and supplies for the brave little woman and her needy little flock. We told her it was just a "Happy Birthday" remembrance.

For the next day (Saturday) was to be Mrs. Nixon's twenty-fifth birthday.

7718

Will We Deliver the Goods? Ourselves to Our Foes?

RALPH McGILL

A short time ago a man named Sprigle, in Pittsburgh, wrote a series of articles about the South. He had gone to Florida and, acquiring a Negro, traveling with a repre- [illegible] ...avy tan, passed himself off as a Negro, traveling with a repre- [illegible] ...ntative of the NAACP. The South reacted angrily. Much of what he said was in error. There was the atmosphere a hoax about the trip of 30 days through the South. Many o deductions were ridiculous to the Negro population. The cor his articles was had from the files of the NAACP (National ociation for the Advancement of Colored People). Indeed, the ful analyst was led to suspect that he had not traveled in the uth as much as to spend his time with local representatives o NAACP. There was about it the loud aroma of the phony ... But the core of it wasn't. There had been a man killed be

Prosecution of killers of Negro who voted is urged

NEW YORK — Prosecution of [illegible] of Mount Vernon, reported this week that he arrested M. A. Johnson on a charge of murder and arrested his brother on a charge of accessory. The latter was later released [illegible] ... the telegram sent to the Georgia governor, NAACP Special Counsel Thurgood Marshall urged Governor Thompson to use his authority to push the prosecution of the Johnsons. "This type of intimidation is of his deadly purpose," Marshall asserted, "If it is permitted to go unpunished, it will make our Constitution a farce."

cause he voted. There were instances of gross and awful brutality. There were instances of murder, done for obscure reasons of prejudice, unpunished and uninvestigated save with the whitewash brush.

Atlanta, Ga.

"The Poor South" Now comes a case which justifies all Sprigle said, the untrue as well as the true.

Now comes a Georgia case which will allow Henry Wallace to say to the world, "See, all I have said about injustice in the South is true."

Now comes a Georgia case which allows those enemies of the South who push the present, politically-conceived form of civil rights legislation, and those who plan worse, to say that the South lies when it says it is striving to eliminate injustice and prejudice and that it can handle its own problems.

Now and then one almost despairs. We have enough load to carry without our fools adding their own crimes to the weight of our burden.

Now and then one feels in the mood of the great John C. Calhoun when, on his deathbed, he said, "The South. The poor South. God knows what will become of her." (27a) Bw.

In Jail Sunday's press services carried a story which reported that the Associated Press reported on Saturday that the Montgomery County sheriff, R. M. McCrimmon, said at the county seat of Mount Vernon, that a Negro father of six children was shot and killed because he insisted on his right to vote. The two men involved said they went there to get the man to work for them and "fired in self-defense."

That has a familiar ring. We have heard it when a prisoner was killed in his cell. We heard it two years ago when a Negro was called to his door and shot, after voting, "in self-defense."

A man doesn't arm himself with a pistol when he goes to seek a hired hand.

These men have done more for the cause of Henry Wallace than a dozen Communists.

Enemies These men have not merely taken human life, and left six orphans, they have made it possible for every supporter of the present civil rights measures to get up on the floor of Congress when it convenes and point to it as support of their claim that, unless the Federal Government acts, it is not possible to curb violence in the South.

These men have made it more difficult for the Southern Senators and Congressmen to rally opposition.

The plain truth is that unless Georgia does something about it, we will pick up the check for this Montgomery County party and it will be a big one. And we will deserve to have to pay it.

Anger Here is a test for us. We can only assume that the people of Montgomery County are angry about it. They are not for Henry Wallace. They, therefore, can't be for men who deliver public opinion into the hands of Henry Wallace and turn it more against the South.

This isn't just a murder. It isn't comparable with a gang killing. This is murder, so the sheriff says, for the offense of voting.

Now, the test for us is whether we who oppose Henry Wallaceism will oppose with equal vigor this killing.

If we don't—then we will lose the fight. And, what's more, we will deserve to lose it.

Date 9-14-48

Responsibility The killing will inevitably and correctly be connected with the recent primary. While both M. E. Thompson and Herman Talmadge were loud in their opposition to the civil rights primary, and while M. E. Thompson still is Acting Governor, the chief attention will be directed toward the winner, Herman Talmadge, and his friends. Certainly he does not condone violence.

His friends in Montgomery County, which he carried, can do him no greater favor than to see to it that full justice is done in this case. His friends there can do no greater service for Georgia and the South than to arouse every possible aid, through their civic clubs, women's organizations and churches to see to it that no witness is intimidated; that an honest and unprejudiced jury is obtained, and that Georgia and the South show to the nation that it can, through its own courts, enforce justice and the law.

That is where we chiefly have failed in the past. We have been angry, often justifiably so, at criticism of us. But we have too often let crimes such as this be whitewashed. This one, coming when it does, really places the spotlight on us. Are we law-abiding people, or a violent people needing Federal curbs? This case puts the answer squarely up to us.

27a(1) 1948

North Carolina

7719

Indict Vets in Gang Slaying

The Courier
27a(1)
Pittsburgh, Pa.

By A. M. RIVERA Jr.
(Courier Staff Correspondent)

ANGIER, N. C.—Two white overseas veterans, both of well-known families here and one a brother of a member of the police department, were indicted last week by the Harnett County grand jury on a first degree murder charge in connection with the gangster style killing of a Charlie Smith, 50-year-old father of two children, Nov. 22.

The true bill of indictment which charged Marvin Matthews, 24, and Wyatt Adams, 23, with first degree murder was handed to Judge Paul L. Frizelle by Foreman Guyton Smith, after the jury had examined eight witnesses.

Defense Counsel Everette Doffermyre of Dunn, N. C., indicated after the action of the grand jury that he would seek to have Matthews and Adams released on bond, but District Solicitor Jack Hooks opposed the granting of a bond.

CALLED 'NEAR-LYNCHING'

The murder of Smith and the shooting of his companion, Daniel Lee Bassford, on the streets of Angier, attracted nationwide attention and was officially described by Tuskegee Institute as being on the border line of a lynching.

Mr. Hooks indicated that the trial of the alleged killers would not take place until the March term of court.

EYE-WITNESSES A SECRET

Among the witnesses who went before the grand jury, two reported eye-witnesses testified, but their identity was kept in strict secrecy. Their testimony at the trial is expected to prove vital to the case, and it was indicated that the State would call them as surprise witnesses.

Lee Bassford, who is recovering from gunshot wounds allegedly inflicted at the same time by the slayers of Smith, was not called before the grand jury. 1-17-48

Ironically, Judge Paul L. Frizzelle, presiding jurist, was the judge who was appointed by Gov. R. Gregg Cherry to sit in the case of Godwin Bush, who escaped a lynch mob in Northampton County last June.

27a(I) 1948 SouthCarolina

7720

Lynching Of Rosinville Man Laid To Dorchester Posse

The Light House Bradham

Governor J. Strom Thurmond was requested to order an impartial investigation into circumstances surrounding the slaying of Thomas Burch at Rosinville the latter part of August by the state NAACP conference this week.

James M. Hinton, state NAACP president said the slaying "seems to be a lynching" in his letter to the governor, who has turned it over to the state constabulary.

A similar request was made simultaneously on the U. S. Department of Justice.

Columbia S.C.

ALLOWED TO FLEE

The NAACP information, and that from sources in Dorchester county, suggested that Burch, 52 years old and who had served a nine year sentence sometime ago for another offense, lived in or near Rosinville, and was arrested on or about August 17 on suspicion of housebreaking.

About ten days later he was removed from the county jail in St. George and taken back to Rosinville, presumably to re-enact the crime. A number of white men with rifles and shotguns augered about the vicinity at the time, the names of many being known.

Burch was either allowed to run for freedom or managed in an almost impossible manner to break from his captors, running into a nearby cotton field, where he was shot fatally. Sun. 9-19-48

From almost nowhere a crowd of white men, each heavily armed, appeared. The fatally injured man was removed to the highway in a wagon belonging to another Negro, to whom he spoke before he died. Sheriff H. H. Jessen is said to have taken the man to a hospital in Summerville, where he died, if he hadn't done so while enroute. 9-19-48

Persons inspecting the body at a Summerville undertaker say it bore two gunshot wounds.

The slaying is being termed a lynching even by white citizens in the county, many of whom are up in arms because of it.

27d 1948

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For An Anti-Lynch Bill

To the Editor of The News:

I'm a constant reader of Voice of the People and I enjoy the different views. I am writing concerning passing of anti-lynch bill. I don't understand why our people are so against this bill. Why don't we (and I am white) put the shoe on the other feet for a change? Suppose it was our group of people that were being lynched without a fair trial. So think twice before you object to passing of this bill. I certainly think the guilty ones who are always taking the law in their own hands should be punished. I am wholeheartedly for passage of this bill.

ROBERTA SPRANKLES.

Tarrant, Ala.

Mrs. Roosevelt Replies To Pavlov on Lynching

From the Herald Tribune Bureau

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PARIS, Oct. 14.—The Social Committee of the United Nations General Assembly borrowed some thunder from the more august political committee Thursday by embarking upon a discussion of the atomic bomb.

Professor Alexei Pavlov, Soviet delegate, told the committee that any declaration on human rights such as the one on which the committee is working would be no better than ironic while "the atomic bomb threatens the life of defenseless civilian populations." Outlawing of the bomb and of other weapons of mass destruction, he said, is an essential prerequisite to any declaration of rights.

Professor Pavlov was speaking in support of a Russian-proposed amendment to the draft declaration. The amendment would make every government responsible for "the protection of each individual against criminal attempts on his person." Such protection is necessary, he said, to protect American Negroes from mob terror.

To this Mrs. Franklin D. Roosevelt, American delegate, replied: "Lynching in the United States is deplorable, but it is against the law and when it takes place it is a violation of law and exceptional."

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WESTBROOK PEGLER

The Constitution Atlanta, Ga.

When Is a Lynching Not a Lynching?

Thurs 6-17-48 (2) Southern

NEW YORK—The Governors of Iowa and Minnesota recently called out the National Guard to restore peace where strikers of the CIO had cowed the local police. In both cases, the police power had abandoned communities to mobs aroused by professionals.

Directed mobs, such as the CIO employed in the terrible civil wars in Michigan, Ohio, Indiana and other States when John L. Lewis was Chairman, are more efficient than packs of wild-eyed brutes roving over a town.

The directed mob is military. It feints to draw off the cops, then strikes in another part of town. It knows how to do the most damage and where to strike the jugular such as the switches in the municipal power plant.

The Union mob, whether disciplined or wild, is more dangerous than the lynching mob, usually regarded as a Southern institution. This can be shown by records of deaths, injuries and destruction. In the years since Roosevelt took over, there has been little mob violence in the Southern States as compared with the great strongholds of those Roosevelt political auxiliaries, the CIO and the AFL, in the North and along the Pacific Coast. And much of that lesser Southern record also was the work of Roosevelt's Union goons.

There have been thousands of riots and, according to legal definition of a lynching offered in all the Communistic antilynching bills, there have been literally thousands of lynchings in Roosevelt's Union territory in those years. Lynching, in the definition of those bills, may be nothing worse than a slap in the face in a community whose local government fails to do its utmost to prevent the outrage.

The Constitution

Thus there were hundreds of lynchings in the recent Minnesota Packers' Union riots. Actually the ratio of fatal lynchings by Roosevelt's Union adherents in the North and Far West during the years of civil war maintained by the Unions to those executed by Southern mobs is at least 20 to one. Moreover, in most of the Southern lynchings, the lynchees probably were guilty and would have been put to death anyway, had they gone to trial. But in the fatal lynchings done by the Roosevelt mobs in the Union wars there was no violation of any law. Atlanta, Ga.

The Roosevelt regime, inherited by President Truman, has frankly insisted that its own mobs have a special right to riot and lynch. All the antilynching bills have special clauses which exempt violence and lynchings attributable to any "labor" disturbance. That term might mean a strike by a legitimate Union of law-abiding citizens against an employer for higher pay. However, a "labor" disturbance exists legally under the New Deal rulings wherever any Union racketeer tries to extort $1,000 from an employer and calls a strike when the boss turns him down. If a citizen walks through a picket line of strangers from out of town and they beat him up, that is lynching in the definition of the antilynching bills, except that the New Dealers call the situation a "labor" disturbance. Thurs, 6-17-48

The citizen-soldiers who are called on to redeem the criminal failures of mayor, chiefs of police, sheriffs and the governors, themselves, when rioting breaks out, may be subject to charges of murder, assault and conspiracy to violate the constitutional rights of the local people. They may be subject to damage suits for the deaths of rioters or innocent persons caught in the middle, for injury, indignity and

The Constitution

The Governor of Minnesota had publicly expressed sympathy for the strikers and contempt for the legal rights of the nonstriking, law-abiding employees who were being mobbed. Then the mob got out of control because the police authority, taking its cue from the State House, fell back rather than maintain the law. Thus the mob got the initiative and went crazy.

Not once in 100 cases would the call for troops be necessary but for the failure of guilty politicians below. The Unions elect the local mayor and the mayor therefore promotes some popular fathead on the force to be chief of police. When mobs form, the chief plays good fellow and asks them not to get too rough. Now the mob tastes blood. A nonstriker goes down bleeding from a club on his head. The crash of windows is exciting. The mob is a mad dog, slashing, destroying as it runs.

Atlanta, Ga.

Guilty of cowardice and betrayal of trust in the first place, the chief of police announces that his cops will not be used to assault poor American workers made desperate by perfidious scabs. He pleads when he should be fighting. Finally, a lot of boys and young husbands, the best manhood in town, get a call from the Governor to clean up a mess that never would have existed if the cops had enforced the law.

In a wild situation, a mob can be stopped only by shooting to kill. You can't shoot nice, and wise military officers took lessons from the fate of the German Republican troops in the Communist riots after the first war. The soldiers' guns were empty and the crowd found it out. They had bayonets, but the Communists shoved women and children forward in the front ranks. The mob closed with the troops, grabbed the guns, took the initiative and chased the soldiers, empty-handed, to their barracks, hooting and jeering. Mon. 6-17-48

That could happen here when the National Guard is ordered out to restore order in a gentle way, sparing some governor's friends.

When American troops are called for riot duty there should be no such thing as "modified martial law," but local police and sheriffs all have plenty of law and weapons on their side. They should kill, if necessary, to put down riots at the start, and kill to quell them once they do start. When mobs know this will happen they will rarely make it necessary for any governor to call out the National Guard.

MOBS, NORTH AND SOUTH

Wash Times-Herald Boston Herald

No sooner had repeal of the Taft-Hartley law and a demand for anti-lynching legislation been included in the Democratic platform than the union mobs went to work.

At the du Pont ammonia works near Charleston, W. Va., a John Lewis wrecking crew, numbering more than a thousand goons, smashed 500 cars belonging to nonstriking employes, hurled rocks and chunks of steel at passing automobiles, and, in direct violation of the order of the court, reinforced the picket line which blockaded 2,500 employes in the establishment. 2-17-48

At the Univis factory at Dayton, O. where the Communist dominated United Electrical Workers of the CIO is on strike, a new tactic was employed. Persons passing thru the picket mob were doused with a foul smelling chemical so nauseating that nine women employed in the company's office required hospital treatment.

Still another outbreak of violence occurred at the plant of the National Motor Castings company at South Haven, Mich., where mass picketing was resumed to prevent employes from returning to their jobs. This time the offending union was the CIO United Automobile Workers.

Boston Herald

All this serves to put in perspective Mr. Truman's cry for legislation on civil rights and his opposition to any restriction on the conduct of unions, even the mild provisions of the Taft-Hartley law.

The fact is that many more people are killed every year in labor riots than by lynchers. For every race riot there are a hundred strike riots. The strike mob is often revolutionary in temper and commonly revolutionary in leadership. Every member of a strike mob, like every participant in a lynching, knows he is acting in violation of the law. The defiance is just as deliberate and just as purposeful and the local authorities are just as often subservient. In each case the mob takes the law into its own hands. Mon.

The Republicans in congress should take advantage of Mr. Truman's demand for civil rights legislation at the special session. The Republicans can write into the bill directed against lynch mobs a clause which will carry identical remedies against strike mobs and public officials who do not resist them. That will put the Democrats, north as well as south, on the spot. Chicago, Ill.

The northern Democrats are counting upon the support of the organizers and participants in such outrages as the one in West Virginia. They have been promised the support, in so far as it can be deliv-

ered, of the CIO and the AFL. The country will be edified by the spectacle of the southern Democrats shouting for punishment of northern mobs but demanding immunity from federal prosecution for southern mobs; and of the northern Democrats insisting, as they did in the convention, on harsh measures against southern mobs and immunity for northern mobs. 7-19-48

The outcome might well be a filibuster against civil rights legislation, undertaken by both wings of the Democratic party, happily reunited in defense of their separate brands of organized murder.

The Republicans can and will vote solidly for the supremacy of law over mob violence, north and south. Wherever authority exists in the Constitution for federal action against lynching is there because the Republicans put it there. The constitutionality of the anti-lynching bill has been questioned, but no one can seriously doubt the validity of federal intervention in labor disputes. The last men who can raise this point are the northern Democrats who supported the Wagner act and rejoiced when the New Deal Supreme court upheld it on the theory that strikes interrupted production for interstate commerce. Production can often continue despite a strike but is far more seriously hampered when a picket mob riots to prevent workmen from entering a plant.

The southern Democrats are hypocritical when they pretend that their opposition to the anti-lynching bill derives from a conviction that the federal government should not invade the sphere of the states. They approved a hundred such invasions and profess to regard Mr. Roosevelt who proposed them as a saint. The northern Democrats are equally hypocritical in upholding the anti-lynching bill as a necessary protection of innocent citizens against mob violence. The northern Democrats are in political alliance with the men responsible for mob violence in their own territory. Thurs. 7-19-48

The Republicans should have little difficulty in exposing these hypocrisies in the course of the forthcoming debates in congress.

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97 Miners Given Suspended Terms Under Lynch Law

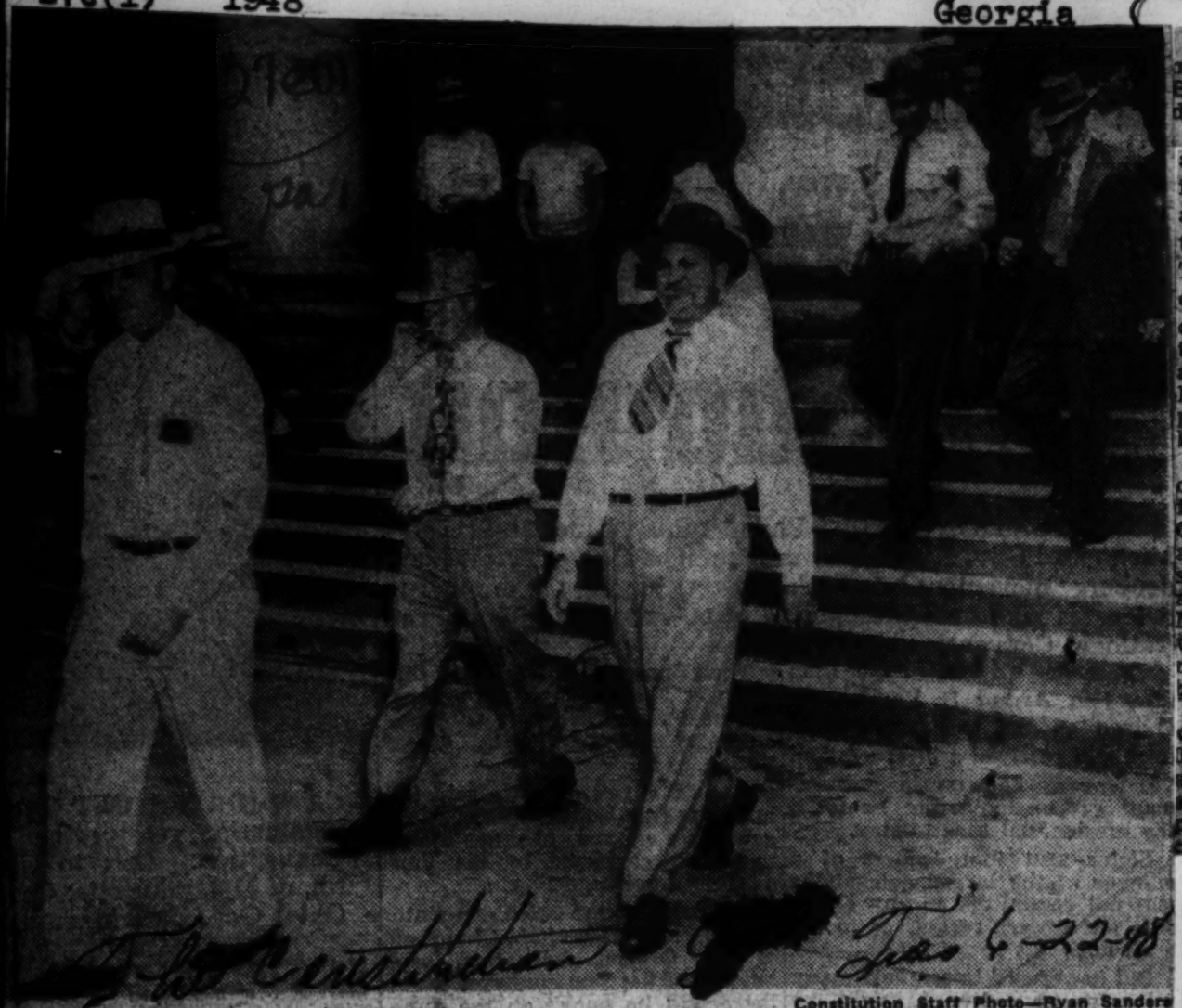
Grundy, Va., July 20 (AP)—Ninety-seven of the 178 union miners lynch law pleaded guilty today and received suspended sentences of five years each.

The mass arraignment in Buchanan Circuit Court came after two days of conferences behind closed doors by opposing attorneys. The 97 men pleaded guilty to the indictment that they vollated the mob violence provision of the anti-lynch law in an attack upon Robert J. Gilliliam, operator of the nonunion strip mine last April.

Attorney General J. Lindsay Almond, jr., and his associates agreed to drop the prosecution of 78 other men named in the Gililam indictment. Three men named in the same indictment were unable to appear today because of illness; but will be arraigned at a later date. They still face charges.

Attorneys for the Commonwealth also agreed not to prosecute further nine other antilynch law indictments against the same 178 men.

7724



Jan 6-22-48

Constitution Staff Photo—Ryan Sanders

BACK TO JAIL FOR LIFE—Three other defendants sentenced to life imprisonment in the death of William H. (alias Wilson) Turner follow Sheriff Lamar Potts, left, back to jail after entering pleas in the Coweta Courthouse. Immediately behind the Sheriff are Herring Sivell, left, and Henry Mobley. Tom Strickland comes down the steps with Sgt. J. C. Otwell, of the State Police.

Swift Life Sentences for Three Leaves Turner Widow Curious

The Constitution Jan 6-22-48

By CELESTINE SIBLEY
Constitution Staff Writer

NEWNAN, June 21—Three men who John Wallace said were "innocent bystanders" at the slaying of William H. (alias Wilson) Turner, were sentenced to life imprisonment for murder here today.

Tom Strickland, cousin of Wallace, and two neighbors, Herring Sivell and Henry Mobley, entered pleas of not guilty, with the understanding that they would accept a ~~verdict of guilty with a recommendation for mercy~~ 6-22-48

~~The verdict was swiftly and~~ automatically rendered by the first ~~12 men in a panel of nearly a~~ hundred jurymen and Judge Samuel J. Boykin passed sentence on the three immediately. Silently, without change of expression, the three farmers stood before the court, their hats in their hands, and received the sentence. Their attorneys, Jack Allen, of Greenville, counsel for Strickland, and William Schley Howard and Pierre Howard, representing Sivell and Mobley, answered for them in the negative when the court asked if they wished to make any statement before they were sentenced.

The quick verdict in the case of the trio, charged by the State with participating in the kidnaping and fatal beating of Turner, came as a surprise and a disappointment to several hundred spectators who jammed the Coweta County courtroom, hoping to hear their version of a crime for which Wallace is under death sentence.

"I think justice has been done," Julie Windom Turner, widow of the slain man, said, "but I wish they'd made them tell what they had to ~~the Coweta Gr~~

The young widow, mother of one child and expecting a second in the late Fall, said she would consult Meyer Goldberg, special prosecutor of Wallace, with a view to filing suit against Wallace for damages.

Attorneys for Wallace filed their motion for a new trial and Judge Boykin set 11 a. m. Aug. 14, as the date for hearing on the motion.

Judge Boykin also took under advisement a petition to set bond for Mozart Strickland, who is held as an accessory after the fact in the April 20 slaying of Turner. The elder Strickland, officers said, contributed his truck for use in disposing of Turner's body and took Wallace a change of clothes at the well-side after Jim Strickland allegedly went home and reported that his cousin was "too bloody to go home."

Judge Boykin said he had received no petition regarding bond for the two Negroes, Robert Lee Gates and Albert Brooks, who are also held for murder and who served as the principal witnesses against Wallace. Sol. Gen. Luther M. Wyatt said trial of the Negroes would be postponed to the next regular term of court in September.

Sheriff Hardy Collier, of Meriwether County, is free under $10,000 bond on a charge of being an accessory before the fact. Court attaches said the Sheriff is ill and probably will not be brought into court before the September term.

Constitution Staff Photo—Ryan Sanders

LANCASTER MANOR — "The ancient, hand-hewn log dwelling above was where Mayhayley Lancaster, Heard County seer, was born. It is miles from a paved road. It even in rainy weather the slippery red clay roads to it are well-traveled by Miss Mayhayley's customers, all of them wanting a look into the future.

Jury Convicts John Wallace

New Trial Motion Set; Sentenced To Death In Electric Chair

NEWNAN, GA. — (AP) — John Wallace late Friday was convicted of the murder of William Turner.

The verdict was returned by a Coweta County jury at 5:11 p.m., after approximately one hour and 10 minutes deliberation.

The case went to the jury at 4:01 p.m., Friday.

For the jury the number one question was whether Turner was killed in Coweta or Meriwether County. Newnan is in Coweta.

The presiding judge, Samuel J. Boykin, told the jurors they first must decide whether Turner died in Coweta or across the line in Meriwether.

The second question posed for the jury by Judge Boykin was whether the death of the sharecropper was accidental or murder.

Should the jury decide the cause of Turner's death was inflicted in Meriwether, the Coweta court would not have jurisdiction in the case.

The jury made no recommendation of mercy, which under Georgia law makes a death sentence mandatory.

Immediately after the verdict was announced, Defense Counsel Gus Huddleston said he would file a motion for a new trial.

Judge Samuel J. Boykin then called the 52-year-old dairyman-farmer before the bar with his counsel, and asked him if he had anything to say. After conferring with his lawyer, Wallace, in a low voice, answered:

"No."

The judge then sentenced him to death by electricution at Tattnall State Prison at Reidsville on "July 30, between the hours of 10 a.m. and 2 p.m."

He then ordered Wallace to be taken to the Coweta County Jail, to be held there under guard until his transfer to Tattnall.

Queries by reporters a few minutes after he was sentenced to death, Wallace said:

"I have no statement to make at this time. This is a serious time. Maybe later."

Wallace left the courtroom with Coweta County Sheriff Lamar Potts.

The trial of Herring Sivell, Tom Strickland and Henry Mobley will get under way next Monday at 10 a.m., court attendants said. Judge Boykin will preside, they said, but a new jury will be in the box.

7714

Fearless Law 27e(1) 4-21-48

To the Editor of The News:

Gov. Caldwell is quoted by Albert Stapp in Fred Taylor's column April 15: "We read of the gang wars, crimes and riots of the North, but we would certainly never attempt to tell you how to correct those conditions." This refers to anti-lynching legislation, is a familiar statement, negative, and throws no light on the subject whatever.

Crimes in the North are met by the law and convictions obtained in a majority. Crimes in the South are met by the law and convictions obtained in a majority. But here in the South, on occasion, there is this twist: A crime is met by lynchers and another crime committed. The record here on apprehending and convicting lynchers is shameful. When it is pointed out that there was only one lynching here last year, remember that no one was convicted in that instance. Fearless law enforcement is the solution. Were the record commendable, there would be no thought of federal legislation, no issue of state's rights on this matter. Lynchings would have ended. Yankees mind their own business when we show them we are making democracy work.

Why be so sensitive to criticism and attempted outside interference? Have a mature attitude. Admit our shortcomings and act to correct them. If there is anything wrong (and there certainly is), get the facts, analyze them and act. Good law enforcement and a citizenry who, when called to jury duty, are intelligent and fearless will do more good here in the South than the twaddle of the politicians you hear these days.

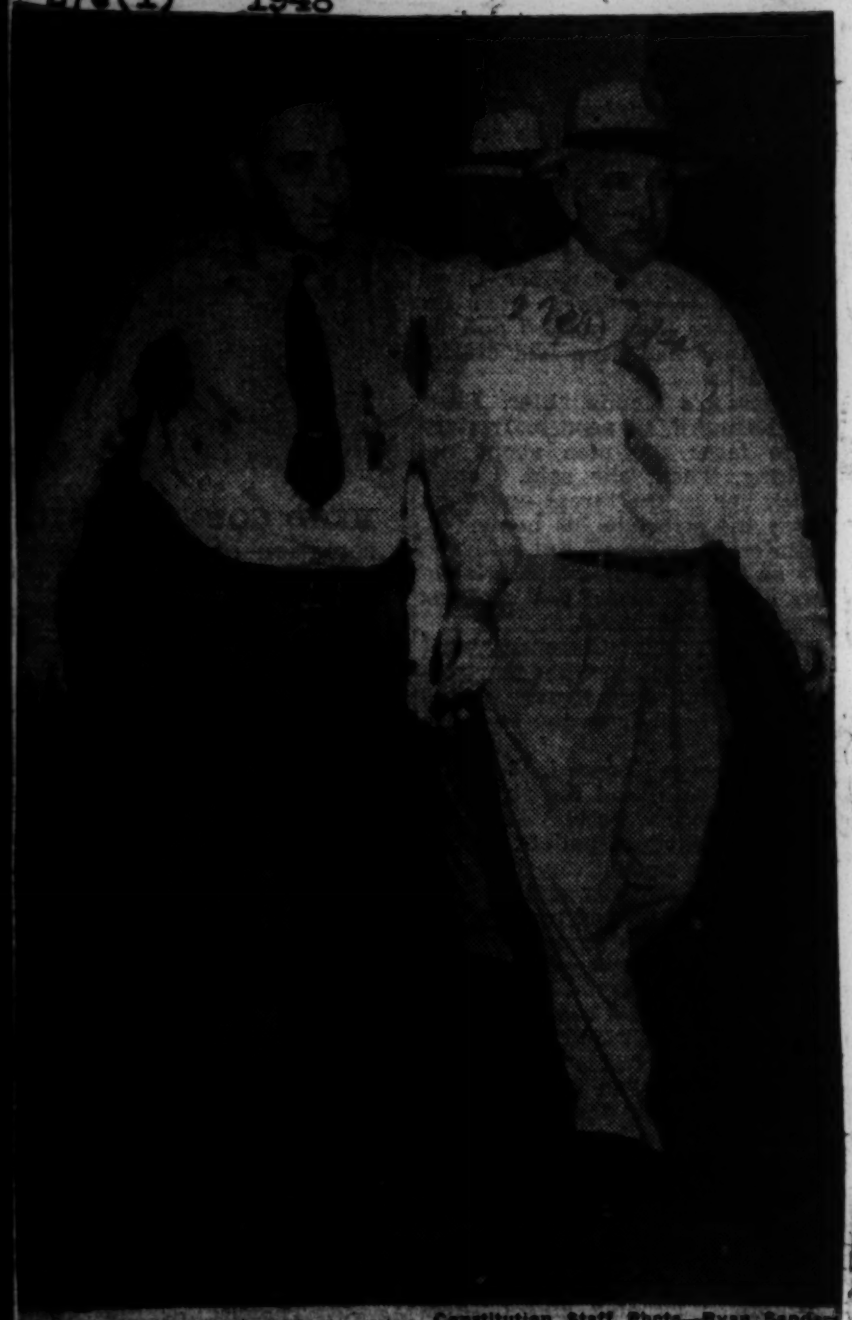
W. H. WRIGHT.

Fayette, Ala. 4-21-48

27e(1) 1948

Georgia (Turner Case)

7715



Constitution Staff Photo—Ryan Sanders

UNDER DEATH SENTENCE—John Wallace leaves the Coweta County courtroom with Sgt. J. C. Otwell, of the State Highway Patrol, after being found guilty of the slaying of William H. (alias Wilson) Turner. Sheriff A. Lamar Potts, who developed the case against Wallace, is shown immediately behind him.

Turner Jury Out 70 Minutes

By CELESTINE SIBLEY
Constitution Staff Writer

NEWNAN, June 18 — John Wallace, prominent Meriwether County farmer, today was found guilty of murder in the "buried bones" slaying of William H. (alias Wilson) Turner and sentenced to die in the electric chair July 30.

A Coweta County jury arrived at a verdict of guilty at 5:10 p. m., after deliberating an hour and 10 minutes and listening to testimony and arguments five days. Judge Samuel J. Boykin, of Carrollton, passed sentence immediately.

Coatless, wearing rumpled gabardine trousers and a shirt, Wallace stood before the bench between his attorneys to hear the death sentence. Judge Boykin asked if he had anything to say and Wallace turned to Gus Huddleston, a member of his counsel from Greenville, and whispered: "Should I say anything?"

Huddleston shook his head and Judge Boykin passed sentence. Later Huddleston reiterated his intention of filing a motion for a new trial. Other defendants indicted jointly with Wallace for the April 20 slaying of Turner will go to trial at 10 a. m. Monday. They include Herring Sivell, Tom Strickland, Wallace's cousin, Henry Mobley, and two Negroes who testified against Wallace, Robert Lee Cates and Albert Brooks.

Although the courtroom was crowded, a dead silence greeted the reading of the verdict. Judge Boykin had previously warned against demonstrations of any kind but even after he left the bench the crowds surged sluggishly and without any apparent emotion around the rail. Wallace sat quietly for a moment, talking with his attorneys and chewing gum.

Asked if he had any statement to make, he said, "not just now. This is a serious time. Maybe later."

As he was leaving the courtroom, a little, gray-haired woman tugged at his coat sleeve and said, "If there's anything we can do, John . . ." He smiled at her and said, "Thank you, I'll let you know."

Comely Mrs. Wallace, who appeared briefly in the courtroom the day the case opened and then disappeared, did not return for the jury's verdict. Wallace's attorneys said she was ill at her home near Chipley. Wallace left the courtroom in custody of Sgt. J. C. Otwell, of the State Highway Patrol, and Coweta Sheriff Lamar Potts.

Since Wallace in his talking marathon of more than six hours of Thursday completely exonerated the other defendants in the case, Coweta County citizens are speculating as to whether the three white men will go to trial on murder charges or be allowed to enter pleas of guilty to lesser offenses. Wallace admitted shooting Turner "accidentally" at an old abandoned well the afternoon of April 20, after a more than five-hour build-up in which he emphasized his fear that Turner would "get me in trouble with his whiskey-making" and charged the young man with "stealing my cows and threatening my security."

Wallace emphatically denied that Turner died from blows received about the head at a Coweta tourist camp and he did not touch upon the grisly details of the recovery of Turner's body from the well and cremation on a pyre in the swamp, as outlined in the testimony of his two alleged Negro accomplices.

"My mind went blank," Wallace said.

Courthouse attaches confidently expected Wallace's attorneys to seek a change of venue on the ground that Turner was slain in Meriwether County and Judge Boykin instructed the jury to decide that issue first. Venue, he said, was a "material allegation" in the indictment and unless that was proven it was the jury's duty to acquit. The court's charge left only three verdicts open to the jury; guilty, guilty with a recommendation for mercy, or not guilty.

Huddleston, who with A. L. Henson, of Atlanta, served as leading counsel for Wallace, described the case as "attracting more attention in this State than any trial since the Leo Frank case." Henson accused the State of making the trial a "Hollywood scenario come to life" and attacked both expert testimony and the testimony of eye-witnesses, who, he said, had prejudice "popping out on them like fleas on a dog."

Sol. Gen. Luther M. Wyatt bolstered the State's contention that Turner was actually killed in Coweta County with the testimony of rebuttal witnesses who said there was no evidence of blood or brain tissue on the ground around the old well and the position of the body in the well indicated it had been dead for some time before it was placed in there. Special Prosecutor Meyer Goldberg asked the death penalty. Turning to Wallace, he thundered, "If you want to keep your trial in your county, Wallace, you keep your devilment, you keep your murder in your county."

Meanwhile, Wallace, convicted Friday and sentenced to die in the electric chair July 30, remained in jail, waiting for his attorneys to prepare an announced motion for a new trial.

Indicted along with Wallace for the April 20 slaying of Turner were Herring Sivell, Tom Strickland and Henry Mobley, and the two Negroes who testified against Wallace, Robert Lee Cates and Albert Brooks.

There was speculation here Saturday that the five defendants might be permitted to enter pleas to lesser offenses than murder, in view of Wallace's courtroom statement admitting the shooting of Turner, and exonerating the co-defendants. Wallace claimed he shot Turner "accidentally," but was found guilty of murder after only 70 minutes of deliberation by the jury. The death sentence was passed immediately afterward by Judge Samuel J. Boykin, of Carrollton.

Five Others Face Trial in Turner Death

Constitution State News Service.

NEWNAN, June 19—The trial of three white men and two Negroes who were indicted along with John Wallace in the murder of William H. (alias Wilson) Turner, will begin at 10 a.m. Monday before a Coweta County jury.

MISS MAYHALEY GOT THERE FIRST

Sorcery or Science—Coweta Jury Which Solved Slaying of Turner Asks

By CELESTINE SIBLEY
Constitution Staff Writer

NEWNAN, June 20 — Did sorcery or science solve the fantastic slaying of William H. (alias Wilson) Turner?

Were microscopes or magic the more efficacious in bringing to trial the man who later confessed to the slaying?

Which was of the most value in convicting John Wallace—the university-bred wisdom of Dr. Herman D. Jones or the "in-born" witchcraft of Mayhayley Lancaster?

The truth may never be known but, as far as many citizens of Coweta County are concerned, this much is irrefutable:

"Miss Mayhayley" got there first!

The prophecy of the fringed and then "taking a trip on horseback"—long before there was evidence available to submit to Dr. Jones, the toxicologist. It was she who assured Wallace the body would be found, according to testimony in the case. And it was after a visit to her house that Wallace, according to the same testimony, moved and burned Turner's body.

"I see," said Miss Mayhayley with her one good eye at Wallace, one of a handful of cards spread before him.

Wallace, according to the testimony of the courtroom under death sentence.

In the trial Miss Mayhayley had Mayhayley's" prophesy Friday afternoon when Wallace walked out peering with her artificial eye when he piano stool in the win-about her artificial eye when he gloom of her sister's asked her how she "saw" her dowless cabin. "I see, I see either life or the electric chair for John Wallace."

Her friends remembered "Miss

"Some folks have got eyes to see," she snapped, "and other folks are like crawfish—with their eyes in their tail!"

Miss Mayhayley is the favorite legend of citizens of this part of Georgia. She lives, as she explained in court, "ten miles measured" from Franklin in a tumble-down house beside a [illegible]-worn clay road. She and her sister, "Miss Sally" Hull, cultivate a few acres in corn and cotton, plowing with their own oxen and mule, but allow most of their estimated 1,000 acres to lie fallow.

"We can't farm like we used to before Mayhayley got so busy giving readings," remarked "Miss Sally" in her high, sweet voice, gently shooing a passel of little biddies from under Mayhayley's long skirts and back into the kitchen. "Young married folks are the worst. They come to Mayhayley more'n anybody."

Miss Mayhayley, busy scribbling little notes on minute scraps of paper, cackled happily. "Fifteen, you all make, today. There's six waiting under the tree in the yard—and then them people from Heflin, Ala., in the car."

Heard County's famed soothsayer was born on the farm her English parents homesteaded "no telling how many years ago." The hand-hewn log part of the house is believed to have been built in 1830. The newer part, including a porch and several rooms, is now falling down. Miss Mayhayley has thriftily patched the roof with swatches of worn-out linoleum and bricks until it will take no more and now even she has abandoned it.

At night they lock up the chickens in the kitchen, make fast the shutters and the doors and take their five assorted dogs up the road to the home of some cousins.

"The law won't let us sleep here—for fear of our lives," explained Miss Mayhayley "Robbers came and robbed us of $3,000—and nary a trace of it has been found. We daren't sleep here!"

Although Miss Mayhayley is renowned as a finder of lost articles for her customers she has difficulty keeping up with her own property, including the $3,000.

But her customers swear she is sure-fire in turning up their property. She not only can tell you the name of the mane who picked up your lost pocketbook, but what he did with the money in it and when, if ever, you'll see it again. That's what they say about Mayhayley Lancaster—and she modestly admits it.

"It's not a learned gift," she says, "it's a borned gift. I've got some learning—I taught school, passed the bar in Carroll County and could practice law. But seeing the future is my art."

At least one man left without even hearing his fortune, accord-

Constitution Staff Photo—Ryan Saunder

NOT LIKE A CRAWFISH—"Miss Mayhayley" with only one good eye, uses it to see into the future—unlike, she points out, the crawfish, which has eyes in its tail. In these cards, the mystic saw "either life sentence or the electric chair" for John Wallace.

ing to local legend. Miss Mayhayley stubbornly refused to tell him anything about his future. He was killed on the way home in an automobile accident.

Judge Samuel J. Boykin, the Wallace trial judge, remembered Miss Mayhayley and greeted her with a nod and a smile. Years ago in Carrollton it was his unpleasant legal duty to sell a piano at a foreclosure sale. The seer of Heard County bought it and asked to be allowed until 2 p. m. to pay for it.

Knowing her reputation for great wealth, Barrister Boykin granted her the time. A few minutes later he saw her busy in the commissioner's meeting room, telling fortunes. By noon she was over at the jail in the sheriff's parlor telling fortunes.

At 2 p. m. she was back at the Courthouse with $199 in crumpled $1, $2 and $5 bills—ready to claim her piano. She had made it all that day.

As Miss Mayhayley's house disintegrates, her fame given fresh publicity with the Wallace trial, is growing and her clientele is growing. Defense attorneys made many humorous cracks about presence of a soothsayer and witchdoctor as a prosecution witness but Sol. Gen. Luther Wyatt closed the subject effectively.

"Call her a soothsayer," he said before the jury. "Call her anything you like. But her testimony went into the record, undenied by anybody."

More Facts Jury In Turner Slaying

Constitution Staff

NEWNAN, June 20—Five more men are scheduled to go on trial when the William (alias) "Wilson" Turner murder case is continued here tomorrow.

The principal suspect John Wallace, prominent Meriwether County dairyman, was found guilty Friday, and sentenced to die in the electric chair July 26.

Herring Sivell, who is accused of [illegible] automobile chase [illegible] County tourist camp, is expected to be the second defendant.

Indicted with Wallace in the April 20 slaying besides Sivell were Tom Strickland, Henry Hobley, and two Negroes who testified against Wallace, Robert Gates and Albert Brooks.

Sivell refused to testify in Wallace's defense. In making his unsworn statement Wallace admitted both Sivell and Hobley of murder. The [illegible] Wallace beat Turner to death at the County tourist camp but Wallace testified that he accidentally killed him near an old well in Meriwether County.

7716

178 INDICTED IN LYNCH CASE

Miners Are Cited Under Virginia Ban After Fight at Pit

GRUNDY, Va., May 8 (AP)—A special grand jury today indicted 178 miners under Virginia's anti-lynching law in connection with the slash of union and non-union men at a strip mine in Buchanan County on April 21.

Ten indictments handed up by the jurors grew out of the assault of ten persons at a non-union pit, and the injury of three. Among the injured was R. L. Gilliam, one of the mine's operators.

Trespass warrants were served against 166 miners, after union men, described as mostly employes of another company, attempted to halt operations at the non-union pit during the recent shutdown of soft coal mines.

7728

Look Out Dixiecrats, Alabama Is Changing!

Pittsburg Courier Pittsburg Pa.

Sat-12-11-48

21e(2)

(Special to The Courier)

WETUMPKA, Ala.—An all-white jury last week made examples of two white men accused of raping two young Negro women by sentencing the men to serve prison terms of forty-five years each. The prosecutor had asked the jury to prove that Negroes "can get justice" in Alabama courts. Alabama juries are empowered to prescribe sentences.

The white men are John C. Howard Jr., 30, who operates a garage and a mattress factory at Friendship, Ala., near Tallahassee, and his cousin, Jack Oliver, 21. Howard was tried first and Oliver's plea of guilt was entered after the jury had given Howard his sentence of forty-five years.

Howard was charged with attacking Mrs. Melinda Jackson, 22, and Oliver was accused of raping Mrs. Annie Grayson, 23, after having robbed the husbands of the two young woman on an Alabama road last April 25, then chasing the husbands away with gunfire, after which the rape orgies took place in a light pick-up truck, allegedly driven by Howard.

Rape is punishable by death in Alabama, but usually Negroes convicted of attacking white women are the only victims of that penalty.

Mrs. Jackson testified that Howard and Oliver stopped a car in which they were riding with their husbands and another man and fired a shot into one of the tires. She said the white men then robbed the colored men and chased them away.

Then, she said, the white men forced Mrs. Grayson and her into their pick-up truck and drove off, with Oliver holding Mrs. Grayson on his lap.

She quoted Howard as saying: "You are going to get some loving tonight or there's going to be some more shooting."

Mrs. Grayson gave similar testimony against Oliver.

"LOOKED BEAUTIFUL"

E. L. Wilkerson, a former chief deputy in Elmore County where the attacks took place, told the court that Mrs. Jackson's husband, Willie Lee, had reported the shooting incident to him and told him that his wife and Mrs. Grayson had been forced to go with the white men in the car. The two women were in the pick-up truck when the white men were arrested near here. Wilkerson testified that Howard had admitted intimacy with Mrs. Jackson, and said that "she looked beautiful to him."

Chief Prosecuting Solicitor Winston Huddleston asked the jury to decide the fate of Howard, who was tried first, "just like you would if a Negro was charged with raping a white woman." County Solicitor U. G. Jones urged the jury to return a verdict that will "go everywhere and show that people of Elmore County will not tolerate such conduct." Howard's mother, in the courtroom, attributed her son's deed to strong drink and declared her hatred of whisky.

Whether the decisions will be appealed has not been ascertained, but it is believed that the two white men were told to accept the verdicts and look forward to release on parole within several years.

NASHVILLE — A 60-year-old woman last week told police a man held a knife to her neck while he criminally assaulted her and then robbed her of a small amount of money.

A White Man Gets 45 Years In Negro Rape

27e(2)

Montgomery Alabama Advertiser

Elmore Man Convicted

Asks Equal Race Treatment

Jan-12-27-48

WETUMPKA, Ala., Dec. 2.—(AP)—An all-white Alabama jury sent a white man to prison for 45 years tonight for the rape of a young Negro woman.

The jurors, asked by a prosecutor to show the Negro "he can get justice in court," found stocky, 30-year-old John C. Howard, Jr., guilty of raping Melinda Jackson, 22, last April 25.

Then, acting under state legal procedure, they fixed the penalty—45 years in prison.

Shortly before reporting with their verdict, they asked through their foreman, R. A. Nelson, if they could go even further—and fix it so Howard could not get a parole or pardon.

Circuit Judge Oakley Melton advised them to the contrary. "That's not for you to worry about," the court told them.

Defendant Unmoved

Howard heard the sentence with head bowed and with no comment or show of emotion. Sitting immobile by his side was his mother, Mrs. John Howard.

The jury acted under the urging of Circuit Solicitor Winston Huddleston that it decide the white man's fate "just like you would if a Negro was charged with raping a white woman."

Another prosecutor, County Solicitor U. G. Jones, called for a verdict that will "go everywhere and show that the people of Elmore County will not tolerate such conduct."

Howard is one of two white men charged with raping two Negro women. His cousin, Jack Oliver, 20, is slated for trial tomorrow on an indictment that he raped Melinda's companion, Annie Grayson, 23.

A few moments later the elderly Mrs. Howard arose in the court room, delivered a denunciation of "strong drink" on which her son, in his testimony, blamed his conduct.

"God," she declared in a high-pitched voice, "is going to help me to help you gentlemen keep down crime.

"A lot of young men's souls have been sent to hell by strong drink."

Pre-12-3-48

"God's going to help me and when I start I won't need anything but the jawbone of an ass."

The jury made its finding after Circuit Solicitor Winston Huddleston urged it to decide the white man's fate "just like you would if a Negro was charged with raping a white woman."

Another prosecutor, County Solictor U. G. Jones, urged a verdict that will "go everywhere and show that the people of Elmore County will not tolerate such conduct."

Howard is charged with raping Melinda Jackson, 22, last April 25. His cousin, Jack Oliver, 20, was indicted on a charge of raping Melinda's companion, Annie Grayson, 23, at the same time.

Rape is punishable by death in Alabama.

Both men also are accused of robbing the women's husbands.

Howard admitted in court that he was intimate with Melinda but said he did not use force. His attorneys, Floyd Hall and Willard Pienezza, emphasized this testimony in their jury pleas. Huddleston countered that this was no defense. He said that although Negroes have made much progress since slavery "they still got it in their minds to do what a white man tells them."

He asserted Howard could have raped the woman without a gun "because by their very nature Negroes fear white people."

The prosecutor begged the jury to show the Negro that "he can get justice in court."

Questioned as to whether he "forcibly ravished" the Jackson woman, Howard answered:

"I don't know whether you would call it forcibly or not. I didn't use force. The woman might have been frightened."

The defense rested after Howard's testimony. The prosecution already had completed presentation of its case.

27e(2)

Threats Denied

Howard told the circuit court jury he had relations with the woman once on the seat of a pickup truck. He said he didn't threaten her and she didn't resist him.

Melinda Jackson testified yesterday that Howard raped her twice after threatening her.

Howard, who said he runs a garage and mattress factory at Friendship, Ala., near Tallassee, testified that he and Oliver stopped their truck to help the women and their husbands. He said the lights on the Negroes' car had gone out.

Howard gave this account of what followed:

He and Oliver had been drinking and they offered the Negroes a drink from a pint bottle of whisky that was about three-fourths empty. The Negroes drank, emptied the bottle and threw it away.

The two white men started their truck and Oliver asked for a drink. Howard said the Negroes had finished the bottle. Oliver got him to stop the car, took a pistol belonging to Howard and fired several shots, halting the Negroes' car.

Oliver demanded they pay for the whisky, but they answered they had no money. Oliver ordered the men to leave and fired several more shots.

They then told the Negro women to get into their truck. They complied without protest.

Officer Testifies

Shortly before the state wound up its case, E. L. Wilkerson, former chief deputy sheriff in Elmore County where the attack allegedly occurred, testified that the two Negro women were in a pickup truck with Howard and Oliver when the white men were arrested near Wetumpka.

Wilkerson also told the jury of 12 white men that Howard admitted intimacy with Melinda and quoted the defendant as saying he had been drinking and "she looked beautiful to him."

The former chief deputy, now a state liquor enforcement officer, said Howard told him several hours after his arrest that he did not use force on the Negro woman but "probably would have" if she resisted.

Wilkerson also produced a .32 caliber pistol he said he took from beneath the seat of the truck after Howard and Oliver were arrested. He said the defendant identified it as the gun Oliver fired at the husbands of the two women before the women got into the truck.

Howard admitted, however, the witness related, that it was his own pistol.

Claim Shots Fired

The women and their husbands testified earlier that shots were fired after Howard and Oliver forced their car off the road and that the Negro men were chased off. Melinda Jackson and Annie Grayson also said they heard Howard tell Oliver to hide the gun under the seat of the truck shortly before they were arrested.

Annie Grayson, taking the stand today, gave substantially the same version of the alleged attack that Melinda Jackson told yesterday shortly after the trial started. Her story was this:

The two women and their husbands, along with another Negro, Charlie McCloud, stopped their car to repair the lights and

HOWARD

other Negro woman got out of the truck when it stopped on a gravel road and Howard raped her twice on the seat of the vehicle. Annie Grayson did not tell of being raped. She did mention a "second rape" during the course of her testimony, but Howard and Oliver stopped again, the white men followed and a short distance down the road forced the car to stop, chased the Negro men off and made the Negro women get into the truck.

Melinda Jackson testified the same thing yesterday and also told the jury Oliver and the

Circuit Judge Oakley Melton ruled that out on defense objections.

Principals in Alabama's Sensational Rape Cases

John C. Howard Jr. (left), 30, convicted Dec. 2 in Wetumpka, Ala., by an all-white jury for raping Mrs. Melinda Jackson (second from right) and sentenced to forty-five years in prison. Jack Oliver (second from left) 20, Howard's cousin, pleaded guilty the following day on a charge of raping Mrs. Annie Grayson (right), 23, and drew a similar sentence.

A Moral Awakening in The South

Concrete evidence that white people down in Dixie are beginning to recognize Negroes as human beings was obvious last week when an all-white jury at Wetumpka, Alabama, convicted a white degenerate who had raped a 22-year-old black girl, and we regret exceedingly that the jury, following perusal of the evidence, were unable to carry out their desire to fix it so the convicted felon could not later secure a pardon. We presume the evidence presented by the prosecutrix was overwhelming and revolting for a jury of white men to become so determined that the defendant suffer fully the consequences of his savage debasement.

'Tis a long hark from the day when Negro women in Alabama were sold half-clothed upon the block like cattle, and white men stood about gazing upon the graceful form of an innocent half-naked black girl, many times purchasing her solely for lustful purposes, to a day of retributive justice like this. When one recalls the bestial lust visited upon women of color during the ante-bellum period, guilty of nothing more than that they were black, he can understand better the consciousless attitude of the progeny of such libertines, who today consider it their right to gratify their inhuman lust upon Daughters of Jethro.

But the Alabama conviction last week means in substance that there has been a moral awakening in the Southland. Just as in the economic realm, white men and women in the moral world are beginning to learn that no woman in America is safe unless all women are secure. Statistics today show that there are violent outbreaks of rapine all over the Southland, and that most victims of such orgies are white women, and that the majority of those morally weak, to the extent that they rape and murder, are white men, rather than black men. The monsters who for three centuries violated the virtue of black women have turned upon their own females like the viper who plunges his poisonous fangs into his own body.

There may be those who will rebel against this type of reasoning, but the Black Dispatch sincerely and honestly believes that the dominant race is after three centuries beginning to suffer evil consequences that were destined to follow the willful rape of black women during the days of slavary. Evil today is flowering. Read any newspaper today and note the holocause of rapine that is sweeping the nation, in which no black man is involved. There is a period of sowing and a period of reaping.

The jury gave the Wetumpka, Alabama white man who raped Malinda Jackson 20 years in the penitentiary. We do hope the moral norm of Alabamans has risen to a plane where no pardon or parole board will have compassion and meray that will release this immoral scoundrel at some later date. We say this because of previous experiences. We recall Oklahoma is one state where several years ago we convicted the lynchers of a Negro, Jake Brooks. This moral victory of law and order was heralded all over the land as a signal triumph. Few know that these men, guilty of a heinous murder of a human being, were a few years later all pardoned by a governor of this state. We are sure he was importuned to grant this clemency on the ground that the felons had "killed only a Negro."

Nevertheless, as we said at the outset, social decency has received from somewhere a shot in the arm when an all-white jury in Alabama will agree to sentence a Nordic to twenty years at hard labor for a vile act which for three centuries was not considered a crime in America.

Nothing To Brag About

The Alabama Case

Alabama Wants Review Of Taylor Conviction

27e(2) Daily World Atlanta, Ga.

WASHINGTON, D. C.—(NNPA)—The State of Alabama last Monday filed in the United States Supreme Court a brief in opposition to the petition for review of the conviction of Samuel Taylor, an ignorant 20-year-old youth, who is under sentence of death for the alleged rape of a 14-year-old white girl. Thurs 3-25-48

Anticipating that Taylor would repudiate an alleged confession and charge that he had been subjected to police brutality, the State of Alabama had eight photographs made of Taylor in the nude, from various angles, by the Associate State Toxicologist.

According to the State's brief, these photographs were taken immediately after Taylor confessed on July 3, 1946, and disclose no indication of physical violence or bodily injury. Daily World

On the basis of these photographs, the Alabama Supreme Court denied Taylor's petition for a writ of error to the Circuit Court of Mobile County. Atlanta, Ga.

"This court may ask why were such photographs taken at a time immediately after the first confession took place," the State states in its brief.

"It is sufficient to state that this is not the first time a member of the colored race had falsely contended that he was brutally beaten and convicted by the use of a forced confession.

"Perhaps the best way to prove the falsity of such charge is to show by photographic evidence that the person who claimed that he was beaten so brutally was not in fact injured at all and had no marks on his body."

REMEDY AFFORDED Mar 30

The brief argues that the State of Alabama affords a remedy to persons convicted of crime who contend that they were not given a fair trial and that a person is not deprived of life or liberty without due process of law when the State requires him to make an adequate and substantial showing that the facts alleged in a petition for a writ of error are reasonable and contain a probability of truth. 3-25-48

Taylor was convicted November 15, 1946, and his punishment fixed at death. His conviction was affirmed by the Alabama Supreme Court April 24, 1947. Later, the governor denied clemency but granted Taylor a reprieve from execution until September 19, 1947.

On September 18, 1947, Taylor filed a petition for a writ of error on the ground that his conviction was based on a confession obtained from him under duress. His petition was supported by affidavits made by three other colored men who were arrested at the same time as he was. Daily World

The State filed the nude photographs of Taylor in support of its motion to dismiss. The Alabama Supreme Court denied the petition for a writ of error.

Atlanta, Ga.

Lawyers for the National Association for the Advancement of Colored People have asked the United States Supreme Court to review the case. Thurs 3-25-48

Attacker Of East Lake Matron Gets 20 Years

Birmingham News

Fred Cosper, 49, 314 South 62nd Street, yesterday was sentenced to 20 years imprisonment after pleading guilty to a charge of assault with intent to ravish an East Lake matron last Jan. 15. 27e(2)

Circuit Judge Alta L. King sentenced the man to the maximum time allowed for the charge. Atlanta

Cosper was captured by four painters after he had attempted to attack the matron in her home. The painters, working nearby, were attracted by her calls for help and caught Cosper after a chase of several blocks. Thurs. 3-25-48

In ruling on the rape sentence, the Supreme Court reversed the conviction of Russell Cobb, a white man, who was charged with attacking a young white girl in Talladega County. 4-18-48

Court records gave this version of the trial: 27e(2)

Circuit Judge Lamar Field, who was trying the case, had been ill, and attorneys for the defendant and state both agreed to let the judge leave the bench and to permit a disinterested lawyer receive the verdict. That was while the jury was deliberating. Montgomery Ala.

The verdict was handed to the attorney sitting as judge; he gave it to the circuit clerk, who in turn delivered it to the judge. The latter pronounced the sentence later.

Justice Thomas S. Lawson, writing the court's opinion, said the attorney was not legally empowered to receive the verdict and that, under the evidence, could not be considered as a special judge. The Advertiser

The Supreme Court refused, however, to acquit Cobb outright. It sent his case back for further proceedings.

Attacker Granted His 11th Reprieve

Montgomery 27e(2) Advertiser

Samuel Taylor, Negro convicted of rape in Mobile County, received his 11th reprieve from Gov. Folsom Wednesday just two days after the United States Supreme Court had refused to save him from the Kilby Prison electric chair.

Taylor, convicted in 1946 for criminally assaulting a 14-year-old white girl in Prichard, a surburb of Mobile, was scheduled to die in the electric chair just after midnight Thursday night.

In announcing that the Negro had been given a two-week reprieve until July 9, the governor's office said it was to enable his lawyer, Nesbitt Elmore, Montgomery, to file a petition for a writ of habeas corpus with the district federal court here.

On Monday the Supreme Court, by a 5 to 3 decision, declined to interfere with the death sentence imposed on Taylor. Thurs 6-24

Justice Murphy, one of the dissenters, suggested there was nothing to keep the Negro from seeking his freedom through such a habeas corpus proceeding in the federal court. 6-24-48

Originally scheduled to die on June 13, 1947 after the State Supreme Court had upheld the death sentence imposed by the lower court, Taylor has previously had 10 reprieves from Folsom to keep him out of the chair.

At the time of his clemency hearing before the governor over a year ago, defense attorneys described Taylor as a victim of "racial prejudice."

The jury handed down the first degree murder verdict after deliberating about three hours. Tri-7-30-48

Lang was accused of strangling Mrs. Christine Haynie with her own head scarf on Lacon mountain,, near here April 6. Mrs. Haynie was the mother of six children.

In asking the death penalty, the state contended that Lang accusted Mrs. Haynie as she walked along a lonely road en route to her home. Tri. 7-30-48

A searching party of which Lang was a member, found the woman's body about midnight. 27e(2)

Lang, who pleaded innocent did not take the stand and the defense presented no witnesses.

Sharecropper Gets 99 Years On Murder Charge

Advertiser Montgomery

Decatur, Ala. (AP)—James Lester Lang, 38-year-old sharecropper, charged with murder in the rape-slaying of a neighboring farm woman, was sentenced to 99 years in prison by a circuit court jury here, Thursday.

NAACP Seeks New Sam Taylor Trial

The Guard 27e(2)

WASHINGTON—Charging that Samuel Taylor, imprisoned Alabama youth, had been prevented by lower court decisions from following normal channels in efforts to secure a new trial, NAACP lawyers have filed a petition seeking intervention of the United States Supreme Court in special proceeding for review of the lower courts' findings.

Taylor, who has been under sentence of death for nearly two years, was convicted by an all-white jury in Mobile in November, 1946, charged with the rape of a 14-year-old white girl.

A confession, which he later repudiated, claiming that it was extorted by police beatings, was used to convict him.

7729

Thurgood Marshall Charges Ala. Police Brutally Beat Boy

Courier Pittsburgh Pa. Sat. 5-8-48 27e(2)

(By Pittsburgh Courier Press Service)

WASHINGTON—Charges of brutal mistreatment of an ignorant Negro youth by Prichard, Ala., police in an effort to extort a rape confession from him were laid before the United States Supreme Court last Friday in a brilliant argument by Thurgood Marshall, chief of the NAACP legal staff.

He was representing Samuel Taylor who was arrested along with three other Negro youths on a robbery charge, and who was later severely beaten, according to the defendant, over a period of four days. Sat 5-8-48

IDENTIFICATION

Mr. Marshall pointed out that the complainant who brought the rape charge had previously positively identified another Negro youth and that he had been brought to trial. However, he had an airtight alibi and the complainant then identified Taylor. Marshall was assisted by Nesbitt Elmore, white Alabama lawyer.

The four-day beating, applied solely to Taylor although four of them were arrested on the robbery charge together, resulted at the end of the extended mistreatment in the confession of Taylor on charges of rape of a white girl. He was subsequently tried, convicted and sentenced to die in November, 1946. He is still in prison under death sentence. Taylor was not permitted to testify at his own trial. 5-8-48

THREE ERRORS

Mr. Marshall brought this case to the Supreme Court on coram nobis writ to reopen the case charging that the Alabama Supreme Court, which affirmed the conviction, made three errors. He charged that his client had been denied due process of law and that under fear of further beatings he did not tell his court-appointed lawyer that the confession had been extorted.

The high court justices showed a great deal of interest in Mr. Marshalls development of the coram nobis plea—which is rarely used. Bernard G. Segal, representing Alabama, declared that there was no evidence that Taylor had been beaten, that he had no alibi and that the Alabama Supreme Court

Gets 45 Years For Assault On Negro Girl

WETUMPKA, Ala. (AP) —An all-white Alabama jury sent a white man to prison for 45 years tonight for the criminal assault of a young Negro woman.

The jurors asked the prosecutor to show the Negro "he can get justice in court," found stocky, 30-year-old John C. Howard, Jr., guilty of criminally assaulting Melinda Jackson, 22, last April 25.

Shortly before reporting with their verdict, they asked through their foreman, R. A. Nelson, if they could go even further—and fix it so Howard could not get a parole or pardon.

Circuit Judge Oakley Melton advised them to the contrary. "That's not for you to worry about," the Court told them.

Howard heard the sentence with head bowed and with no comment or show of emotion. Sitting immobile by his side was his mother, Mrs. John Howard.

The jury acted under the urging of Circuit Sol. Winston Huddleston that it decide the white man's fate "just like you would if a Negro was charged with raping a white woman."

Another prosecutor, County Sol. U. G. Jones, called for a verdict that will "go everywhere and show that the people of Elmore County will not tolerate such conduct."

Howard is one of two white men charged with criminally assaulting two Negro women. His cousin, Jack Oliver, 20, is slated for trial today on an indictment that he criminally assaulted Melinda's companion, Annie Grayson, 23.

CONVICTED AT WETUMPKA—A white man John C. Howard, Jr., yesterday was convicted of raping a Negro woman at Wetumpka. He was sentenced to 45 years in prison. Another white man, Jack Oliver, is awaiting trial on charges of raping another Negro woman at the same time.

Photo at left shows Howard (left) and Oliver (right).

Photo at right shows Melinda Jackson (left) and Annie Grayson (right), who charged the two men of raping them.

An Elmore County Court

A white man in Elmore County has been sentenced to 45 years in prison for raping a Negro woman.

The white jurors wanted to go further and provide that the white man could be neither pardoned nor paroled.

This is exceptional, if not unprecedented, in Alabama history. It is attracting wide notice (for example, Time Magazine has wired for more information).

It clearly and indisputably reflects a sturdy and growing sense of responsibility and justice. It required courage for the Elmore County jurors to do that.

But it would be far more impressive to other regions were it not accompanied by the news from Georgia that the daylight murder of a Negro is being handled casually and ineffectively.

The white man in Elmore County was sentenced to 45 years for raping the Negro woman. We know, of course, that had it been a Negro raping a white woman, the penalty would have been death.

Nevertheless the 45-year sentence reflects the growth of a functioning justice.

'White, Negro Races' Praised For Behavior

WETUMPKA, ALA., Dec. 3—(AP)—Judge Oakley Melton, who presided over the trials, complimented both races today "for their splendid behavior in the courtroom."

In dismissing the jury venire, Judge Melton said:

"These cases demonstrate that in the South, we can come into court and settle our differences in a peaceful manner."

Judge Melton added that "the Associated Press has provided a fair and impartial account" of the two cases. Rex Thomas, Montgomery, provided the coverage.

Jury Gives White Defendant 45 Years In Negro Woman Attack

WETUMPKA, Ala., Dec. 3—(AP)—An all-white jury trying a white man for raping a young Negro woman answered the prosecutor's plea that it prove a Negro "can get justice" in an Alabama court.

The jurors, in short order, found John C. Howard, Jr., operator of a garage and a mattress factory, guilty and sent him off to prison for 45 years.

They wanted to go even further—fix it so Howard could not get a pardon or parole. But Circuit Judge Oakley Melton told them not "to worry about" that.

HOWARD, FROM Friendship, Ala., was convicted last night of raping 22-year-old Melinda Jackson last April 25. Next on the court's docket is the trial of his cousin, Jack Oliver, 20, on an indictment that he raped Melinda's 23-year-old companion, Annie Grayson, at the same time.

The men were accused of robbing the women's husbands, chasing them away with pistol shots and raping the women after forcing them to enter a pickup truck.

Howard admitted in court he had sexual relations with Melinda, but said he did not use force or threats. Melinda said he did.

CIRCUIT SOLICITOR Winston Huddleston argued that the white man could have raped the Negro woman without a gun because "Negroes fear white people . . . and do what a white man tells them."

Huddleston closed his argument with a plea for proof that Negroes can take their injuries to court and see justice done.

Howard, in his own testimony, blamed his conduct on drink. A prosecution witness, former Chief Deputy Sheriff E. L. Wilkerson, likewise testified that Howard told him after his arrest that he had been drinking and Melinda had "looked beautiful to him."

He quoted the defendant as saying he did not use force, but "probably would have" if she had resisted.

Howard was downcast and silent as he received his sentence.

7726

7726

'You'll Never See Me Again' Patterson Writes To Kilby

State prison officials turned to New York Friday in their search for Haywood Patterson, one of the Negro defendants in the celebrated Scottsboro assault case of 17 years ago.

Patterson, serving 75 years, escaped from Kilby prison farm along with eight other Negroes on July 20.

Friday Prison Director Frank Boswell disclosed Kilby authorities had received a postcard believed written by Patterson. It was mailed from Brooklyn and said "You'll never see me again."

Signed "Haywood," the card was postmarked sometime late in July, said Prison Identification Officer W. L. Odiorne. The exact date was not readable. Odiorne said the handwriting appeared to be the same as Patterson's.

The card said Haywood fled prison because "you never treated me right." It added that he was "no longer in New York" but Kilby officials said that might be an effort to throw searchers off the trail.

Police Notified

Complete information about the escape has been given to police in New York and throughout the country, Boswell said.

As for Patterson's treatment in prison, the director pointed to the Negro's record which shows he was punished 15 times for violation of prison rules, four times for slashing other convictes.

Prison authorities classed Patterson as a "bad actor." Boswell added, he is the only one of the Scottsboro defendants who never received a parole.

One of the nine Negroes originally charged with criminally assaulting two white women on a freight train near Scottsboro, Ala., in 1931, Patterson first was sentenced to death, but appealed and six years later entered prison to begin a 75-year term.

Four of the nine defendants were finally acquitted, three others besides Patterson received prison terms for criminal assault and the ninth was sentenced for attacking an officer while being transferred from one prison to another.

7727

Haywood Patterson, Scottsboro Defendant, Escapes From Kilby

Convict One Of Nine Who Fled Prison; Five Fugitives Recaptured

MONTGOMERY, Ala., July 20—Haywood Patterson, one of the Negro defendants in the notorious Scottsboro criminal attack case in the early 1930s, was still at liberty today after escaping from Kilby Prison yesterday along with eight other Negro convicts.

FIVE OF THE NINE escapees were recaptured a few hours later.

Patterson, 35, was serving a 75-year term. He was convicted in 1937. He had escaped once before, in 1943, when he got away from Atmore Prison Farm and was apprehended two days later.

State Prison Director Frank Boswell promised an investigation into Patterson's escape.

"That Negro had no business working on the farm," Boswell declared. "He should have been kept inside the prison. I don't know how he got out on the farm, but I'm going to find out."

The nine convicts were returning to Kilby in a truck after working in a field. As they turned a sharp curve, they fled into a corn field, Boswell said. Patterson was the first to run.

THE GUARD FIRED once with his shotgun and emptied his pistol at the fleeing men, but failed to stop them.

Those escaping with Patterson were William Demos, Covington County; Thomas Sloane, Etowah; Claude Beard, Jefferson; Aubrey Poe, Chilton; William L. Oakley, Lauderdale; John Coleman, Escambia; Thomas Coleman, Madison, and Joseph Owens, Jefferson.

Demos, Beard, Poe and the two Colemans were recaptured.

He was serving a 75-year term for participation in the alleged rape of two white women on a freight train near Scottsboro, Alabama, in 1931. Originally he had been under a death sentence, but six years of appeals brought the prison term, to which he was sentenced in 1937. He escaped once before but was caught two days later.

CRC OFFERS AID TO SCOTTSBORO VICTIM

The Civil Rights Congress yesterday declared that it would defend Heywood Patterson, Scottsboro defendant who escaped Kilby Prison in Montgomery, Ala., if requested.

Defense of Patterson was offered in response to a letter from the now famous escaped prisoner addressed to William L. Patterson, national executive secretary of the Congress. The Scottsboro Boy, whose whereabouts are unknown described to the CRC the brutal treatment accorded Negro prisoners in Alabama prisons, and charged that attempts had been made on his life during the 18 years he spent in jail. He is now 34 years old. The full text of his letter was carried in The Worker on Sept. 5.

Haywood Patterson

"Heywood Patterson," the CRC ecretary's statement read, "has taken what American justice denied him as a Negro." His escape, the CRC document contends, "can only be viewed by progressive Americans, white as well as black, with deepest sympathy."

CRC STATEMENT

The statement follows, in part:

"The Civil Rights Congress will defend the liberty of this man as the Abolitionists fought to protect the freedom of fugitive slaves, if Heywood Patterson appeals to it.

"Eighteen years have been stolen from Heywood Patterson. Under the inhuman system of Jimcrow and segregation which is based on hatred, slander and the division of peoples because of differences of race and color, a system sustained through terror . . . a man has been robbed of his every heritage as an American.

"The Congress calls upon the tens of thousands of Americans who supported the International Labor Defense (the organization which furnished the original defense for the nine Scottsboro Boys) in its battles for the lives of these boys to rally to defend this innocent man's freedom. Call upon President Truman to intercede with the Governor of Alabama to pardon this man. Call upon the Governor (of Alabama) to free this man. Send funds to the Congress so that Patterson can get whatever aid he may need . . .

"Decent thinking Americans have had enough of the disgraceful and inhuman practices of white superiority gangsters and those who have power but fail to use it to protect the rights of black Americans. The persecution of Negro citizens is the epitome of crime by government.

"The freedom of Heywood Patterson presents the CRC with a struggle that will take place along side the battle against police terror. This is one with the fight to prevent the frame-up of the 12 Communist leaders . . ."

Jail Break

MONTGOMERY, Ala., July 22—(AP)—A 35-year-old Negro, Haywood Patterson, one of the defendants in the famed "Scottsboro" assault case, was still at large today after his escape from Kilby prison.

Patterson was serving 75 years for his part in the assault incident in 1931. Of eight Negroes who escaped with him Tuesday, five were captured within a few hours after the break. Three others are still at large with Patterson.

It was Patterson's second escape since he was sentenced in 1937 after six years of court battles. Originally, he and eight other Negroes were convicted of raping two white women on a freight train near Scottsboro, Ala., and were sentenced to death.

Patterson had been punished 15 times for violation of prison rules. Four times he slashed other prisoners with knives.

Patterson and the others who escaped with him made their break for freedom from a truck returning them to prison from a work detail on the prison farm. A guard fired at the Negroes as they fled through a corn field, but failed to halt them.

State Prison Director Frank Boswell said Patterson—who was the first to leap from the truck—was assigned to the farm detail because "he caused trouble wherever he was put."

was recaptured Thursday near Verbena, Ala.

Haywood Patterson, one of the defendants in the famed Scottsboro rape cases and the other convicts are still at large.

The highway patrol said the theft of a shirt led patrolmen to Claude Beard, one of the convicted murderer. Sloane stole a shirt from a clothes line near Verbena, the highway patrol said, and when officers went to investigate they met Sloane on the road.

Sloane was serving a life sentence for a murder in Jefferson County.

He and eight other prisoners escaped from Kilby Prison farm despite a fusillade of gunfire from a guard. Five were captured within a few hours.

Still at large with Patterson, who was serving 75 years for his part in the Scottsboro case, are: William Oakley, Lauderdale, sent up eight years ago for assault with intent to murder, burglary and grand larceny, and Joseph Owen, Jefferson, five to seven years for burgalry.

Reaction Preferred

To the Editor of The News:

Haywood Patterson was tried and convicted along with several other Negroes at Decatur, Ala., for the part he played in the now famous Scottsboro case of some 18 years ago. He was defended by able counsel retained by the International Labor Defense, lawyers who were members of the above organization and who were selected for their integrity as well as their legal ability, lawyers who had chosen their vocation because it was an honorable one, and who proceeded to fight in an institution which is the very heart of Americanism—that a man might be fairly judged for a breach of that standard of conduct which society says must be conformed to.

This man was sentenced to spend the remaining years of his natural life in the state penitentiary at Montgomery, Ala. After 18 years he has escaped, and the International Labor Defense has been replaced by another organization whose aims and objects are primarily the same as were those of the above referred to, and which is now called the Civil Rights Congress, also known as the "legal arm" of the Communist Party. This congress, composed of the remnants of those supposedly fine upright gentlemen who so diligently fought that Americanism might prevail, now advocates, according to its national secretary, William P. Patterson, (no relation to the defandant) that Haywood be defended in his escape, "that the people of this nation defend this innocent man's freedom"; in other words, that society aid, abet and condone a felon, help him to hide and flout that law which says a man must not kill, rob and rape except that he suffer the consequences of his act.

As quoted in the Daily Worker, Mr. Patterson further says, "His escape can only be viewed by progressive Americans, white as well as black, with deepest sympathy."

Are these ideals quoted by the Civil Rights Congress prerequisites to a progressive America? If so, God grant that I remain a reactionary.

PAUL E. McMAHAN.

MISSING SCOTTSBORO BOY WRITES PRISON

MONTGOMERY, Ala. — According to prison authorities here a post card has been received from Haywood Patterson, one of the "Scottsboro boys" who escaped from State prison last month, from Brooklyn Saturday. Stating that he was "no longer in New York," the signed card said that he escaped because "you never treated me right."

Two Flee Draper; Kilby One Caught

While the sixth of the nine Kilby fugitives was being captured yesterday, two Draper prisoners made their escape by jumping from a work truck at the intersection of Alabama 22 and U. S. 31.

The two men who escaped were: James Lawson, 22, serving two and a half years for burglary, and Melvin C. Goodman, 18, doing a year and day for burglary. The prisoners were last seen as they jumped from the truck at 4:30 p.m. Thursday. Both are white.

Meanwhile Thomas Sloane, one of the nine Negroes who escaped from Kilby Prison here Tuesday

SCOTTSBORO DEFENDANT & OTHERS ESCAPE PRISON WORK PARTY

MONTGOMERY, Ala. (ANP)—Thirty five-year-old Haywood Patterson, one of the nine defendants in the famed Scottsboro rape case of the early 1930's, went over the hill from a prison work party here last week in his second escape try since conviction in 1937. The work party, consisting of eight other convicts, was on its way back to prison in a truck when Patterson led the break by fleeing to a cornfield.

Negro Remains Free After

Haywood Patterson Now Age 34, AWOL From Alabama 'Law'

End Of Most Outrageous Miscarriage of Justice In Modern Times Seems In Sight; Victim Is Now Somewhere In Civilized U. S. A.

William L. Patterson, National Executive Secretary of the Civil Rights Congress, today issued the following statement upon receipt of the letter from Haywood Patterson, last of the "Scottsboro Boys" to gain his freedom:

"The escape of Haywood Patterson imprisoned since 1931 as one of the nine innocent 'Scottsboro Boys' can only viewed by progressive Americans, white as well as black, with the deepest sympathy.

"Eighteen years have been stolen from Haywood Patterson. Under the inhuman system of Jim Crow and segregation which is based on hatred, slander and the division of peoples because of difference of race and color, a system sustained through terror, intimidation and wholesale murder, this Negro citizen, now a man of 34, has been robbed of his every heritage as an American.

"Haywood Patterson has taken what American justice denied him as a Negro. He has taken the freedom which never should have been taken from him. It was to be expected that a court of the white supremacists would sentence this innocent lad to death. That court, an instrument of racist terror, hoped thus to crush the will of the Negro people to struggle. But the United States Supreme Court could have ended this travesty of justice by throwing the Scottsboro cases out instead of twice remanding the cases for retrial.

"Haywood Patterson is a symbol of the persecution of black America. His escape may precipitate the last legal struggle in this saga of governmental crime against a whole people.

"The freedom of Haywood Patterson presents the C. R. C. with a struggle that will take place along with the battle against police terror which the indiscriminate murder of Negro citizens in New York State has brought. This is one with the fight to prevent the frame-up of the 12 Communist leaders which bi-partisanship in politics has given progressive Americans.

"Only the greatest of assistance by thousands of Americans can bring victory in these battles."

The following is the text of Haywood Patterson's letter:

"Yes, I am the Scottsboro boy, namely, Haywood Patterson, and am not a refugee from justice.

"I am only a victim of circumstances over which I have had no control. And I do want the people of America to realize that I am not trying to hide from justice but what I have done was just and right. The only unjust thing I did in Alabama was the killing of two state dogs in order to make my escape clear. Now I can't begin to say how sorry I am about this, but it had to be done or else!

"Now I ask that the people who are really interested be not deceived by the state of Alabama because they will have you to believe that I am a bad character the meanest Negro in all the world if you let them to tell it.

"Now I can scarcely describe all the evil and mean things that happened to me. Some I shall call to remembrance of the people of the state of Alabama. How many a time they have been bitter and torn my heart out with their venomous tongues. They have placed many a foul accusation against me. They has disgraced my life and caused me to suffer in prison 18 years under false circumstances. They also have forgotten how they cheated me with their justice.

"How cruelly and brutally they have treated me for many gloomy years. And so many years I have slaved, exposed to all sort of weather by the slave drivers. Why the bosses have made me pull plows, they have used me and others like mules. I got proof for this. One Willie Colman pulled the plow until he gave up completely out. The boss in turn whipped the boy with heavy sticks unmercifully on the state farm in Atmore, Ala.

"I have seen Negroes' heads rolled up in the doors of cars and beaten. One boss sits in the car whipping him in the face and another boss on the outside of the car whipping the hind part.

"Now I was faced with a tough problem. The whole five years I spent in Atmore, I was put on the spot the very first day I was there. The fact is that the bookkeeper, Fenchie Home, being in Scottsboro he bent over backward trying to get the inmates to put me out saying that I had caused the state a lot of trouble, that I had caused the state to put n——s on the jury roll to serve as jury.

"But I was wise. Nobody could play up to me except a friend. But once I got careless and came pretty near getting put out. You see the bosses tried all they could to get the Negroes against me. 'One of the bosses, Charlie Sidmore, put a weak Negro up to "steal" me (to knife—Editor) one night. He stole me of course. I got it in the lung, over the heart and arms. But after all I wasn't afraid. I fought him off with my hands until my friends came to my rescue.

"Now as far as the Alabama pardons and parole board system are concerned, it is nothing but a slave racket. There is no justice or right in the pardons and parole board of Alabama. You no doubt remember the case of I. B. Berry, who was sent back to Alabama by the state of New York a while ago. The parole board then tried to show that they meant right. 'Within a short time they paroled Berry, but it was only for a short while, long enough for the public to forget. Then they reached back and got Berry who is now in prison. They bawled him out, saying, 'We will teach you a lesson about going to New York,' and they are really teaching him a lesson.

"Now it is a terrible shame how Negroes are treated once they become a prisoner. Why, they are considered no more as human beings. Something should be done immediately to prevent the outrageous attacks on the Negro prisoners of the South.

"Now as for myself, I have never had a proper chance in life. Of course, since I am restored to freedom and life, I am begging society to please allow me a chance to do good since I have never had a chance.' Do not vote for me to go back into a living hell. Please give me the assistace of every possible kind. Save me from my personal enemy. I would be very glad, you know."

DROP ROBBERY CASE AS SENTENCE BEGINS

Wetumpka, Ala., Dec. X — Robbery charges are being dismissed against John C. Howard, one of two white men sentenced to 45 years in prison last week for raping two negro women.

Sheriff Lester Holley said today the state consented to drop the robbery indictments after Howard agreed to start serving his rape sentence without appealing it to higher court.

The robbery counts against Howard's cousin, Jack Oliver, were dismissed last Friday after he pleaded guilty to the rape charge.

Scottsboro Rape Prisoner Leads Alabama Break

Montgomery, Ala., July 21 (U.P.) Haywood Patterson, one of the Negro defendants in the Scottsboro rape trials of 15 years ago, led a break of prisoners from the Kilby prison farm yesterday and is still at large, it was announced today.

Patterson was one of five sentenced to long terms for the rape of two white girls on a moving freight train near Paint Rock, Ala., in 1931. Nine originally were tried and sentenced to death but a long legal battle resulted in freedom of four and commutation of sentence for the other

Patterson was serving 75 years.

FLEEING ALABAMA CONVICT IS SHOT

(The Associated Press)

Montgomery, Ala., July 24.—A tower guard opened fire on two young convicts fleeing from Draper prison Friday and felled one with a shotgun blast.

The other prisoner dropped to the ground to escape the gunfire and was quickly captured, said Prison Director Frank Boswell.

It was the fourth prison break in Alabama in less than 72 hours.

Nine Negroes, including Haywood Patterson, one of the defendants in the Scottsboro rape case, fled from Kilby prison farm Tuesday night. Six have been recaptured, but Patterson and two others are still at large.

Two young white prisoners jumped from a Draper prison truck late Thursday and escaped. Another disappeared while working in the garden at Draper Friday.

The convict shot by guard Will Shields Friday was identified as 20-year-old Carrado DiBlasi, sentenced only last month to serve 15 years for robbery in Jefferson county.

Boswell said DiBlasi was struck in the shoulder.

Attempting the getaway with DiBlasi, the director said, was Leonard Harris, Jr., 21, who likewise entered Draper last month to serve 10 years for robbery in Jefferson.

[redacted] Gets 45 Years

In Negro Rape

Oliver Pleads Guilty, Accepts Punishment Imposed On Cousin

WETUMPKA, Ala., Dec. 3.—(AP)—The second of two white men charged with raping two Negro women got a 45-year sentence today after pleading guilty.

The defendant, Jack Oliver, 21, entered the plea before testimony started and agreed to accept the same sentence a circuit court jury imposed on his cousin, John C. Howard, Jr., 30, last night.

Oliver

Oliver pleaded guilty to the rape charge following a conference of attorneys. The 45-year sentence was approved by the jury after a brief deliberation.

Howard's conviction by an all-white jury came after the prosecution asked the jury to show that a Negro can get justice in an Alabama court.

Charged With Robbery Also

Oliver was indicted on two charges—robbery and rape. The maximum penalty under either is death in this state.

He was accused of raping Annie Grayson, 23, while his cousin, Howard, had intimate relations with Melinda Jackson, 22, in a pickup truck which they used to take the two women to the edge of town.

The two cousins are also charged with robbing the women's husbands and chasing them away with gun shots before taking their wives off in the truck.

Attorneys for the state agreed to drop robbery charges against Oliver. They said they also would drop the charge in Howard's case if his lawyers would agree not to appeal his sentence.

Attorneys Undecided

Howard's attorneys were undecided about accepting the offer.

Howard admitted during his trial yesterday that he was intimate with Melinda but denied he had forced her. She charged he did.

Circuit Solicitor Winston Hudleston contended the men could have raped the women without a gun because "Negroes fear white people and do what a white man tells them."

By his own testimony, Howard blamed his conduct on drink. He was silent and kept his head bowed as the jury verdict was announced.

There was no announcement by Howard's lawyers as to whether the decision would be appealed.

The case was declared a mistrial and won't come up again until the next term of court.

Cooper was indicted for the axe slaying of a fellow convict at Draper Prison last April 15. Because of his age the opposition for Leon Cooper, 18, of Jefferson County, after attorneys for both the state and Cooper agreed to it.

Cooper Case A Mistrial

In an unusual decision, the jury refused to agree to a life sentence for Leon Cooper, 18, of Jefferson County, after attorneys for both the state and Cooper agreed to it.

Man Electrocuted For Raping Baby Girl

TUCKER PRISON FARM, Ark. —Edward Pugh, 21, Little Rock native, was electrocuted July 2 for the rape of a 2½-year-old girl last Dec. 3. Confessing his guilt, he went calmly to the chair, without aid.

SENTENCE OF DEATH FOR NEGRO IS UPHELD

Commutation

Supreme Court Rejects Appeal In Arkansas Attack Case

Memphis Press

COMPANION GETS LIFE

27e(2)

By The Associated Press

LITTLE ROCK, Oct. 18.—The Arkansas Supreme Court Monday upheld a death sentence given Mizell Palmer, negro, for raping a white woman.

Palmer was convicted in Pulaski Circuit Court of ravishing the woman on a road near Little Rock Oct. 19, 1947, while another negro, Charles Hamm, held her male companion at gun point.

Hamm also was convicted of raping the woman but was sentenced to life imprisonment.

Contended Evidence Insufficient

In his appeal, Palmer contended that evidence at his trial was not sufficient to support the verdict; a confession he made was obtained by force and his sentence should have been the same as that given Hamm.

The Supreme Court rejected all three contentions.

In a dissenting opinion, Associate Justice R. W. Robins said he believed the confession "was obtained through a violation of the appellant's rights" and "it ought not to have been received in evidence" at the trial.

The high court also affirmed a Washington Chancery injunction preventing an election on disposition of $75,000 derived from a hospital bond issue.

Issuance of the bonds was authorized at a previous election for enlargement of the city hospital.

After the bonds were sold, Mayor George Sanders and the city council sought an election on a proposed ordinance which would have permitted use of the proceeds for hospital purposes in co-operation with Washington County or the University of Arkansas.

Washington Chancery Court issued an injunction against such an election at the request of the city hospital's board of control.

The Supreme Court commented that any change from the original purpose of the bond issue would be a "diversion of public funds."

Full proceedings of the court Monday:

By Chief Justice Griffin Smith:

Arkansas Stores, Inc. vs. Cecil McLendon, from Saline Circuit; reversed and dismissed on cross complaint; reversed and remanded on original demand for $1233.32.

By uJstice Smith:

C. W. Smith vs. W. J. Carter, from Bradley Chancery; affirmed.

By Justice Holt:

Stimson Veneer & Lumber Trust vs. Laconia Levee District, from Desha Chancery; affirmed.

By Justice Robbins:

Henry Stevens, trustee, vs. W. E. Owen et al, from Columbia Chancery; affirmed.

Bob L. Pool vs. James Ray Shuffield, from Clark Circuit; affirmed.

By Justice McFaddin:

Mizell Palmer vs. State, from Pulaski Circuit; affirmed; Robbins dissents.

By Justice Millwee:

E. R. Smith vs. A. A. Moschetti, from Clay Circuit; affirmed.

By Justice Wine:

George Sanders et al vs. P. R. Groen et al, from Washington Chancery; affirmed.

Motions, Orders, Etc.

James A. Hudspeth vs. S. G. Thomas et al, from Searcy Chancery; cross appeals granted to Maude Hudspeth, S. G. Thomas and Anne Thomas.

Horace A. Young et al vs. Levi Garrett et al, from Columbia Chancery; mandate United States Supreme Court denying certiorari filed.

Lide Thompson et al vs. Luther Thompson et al, from Ouachita Probate; mandate United States Supreme Court denying certiorari filed.

John H. Criner et al vs. V. S. Parham, from Ouachita Chancery; mandate United States Supreme Court denying certiorari filed.

Fay Mathis vs. J. Sam Wood, judge on exchange, prohibition to Yell Circuit; petition for temporary writ denied.

Harry H. Ellis Jr., Little Rock, enrolled as an attorney.

Orders Per Curiam

R. V. Marlin et al vs. M. J. Harrison, receiver, from Poinsett Chancery; appellant given 10 days to file supplemental abstract.

James Sheppart Potts vs. J. K. Rader, administrator, from Jefferson Chancery; appellant will be permitted to at once file transcript, the court reserving the right (when the cause is considered on its merits) to determine all matters at issue, without prejudice to either party by reason of this order.

E. R. Threlkeld et al vs. Manila School District No. 15 et al, from Mississippi Circuit; appellee's motion to dismiss is denied, service having been completed by appellants since the motion was filed.

Mary Etta Check et al vs. A. H. Royston, from White Chancery; appellee's motion to dismiss is overruled for the reason that proof of service has been filed; appellant given two days for brief.

Tuesday 1948

[illegible] Howard, administrator, et al vs. The Arkansas National Bank of Hot Springs, from Garland Chancery; argued orally.

James E. Brown vs. State, from Ouachita Circuit; argued orally.

Milford Key et al vs. State, from Crawford Circuit.

Howard Clardy vs. State, from Craighead Circuit.

Irene McCullough vs. Ben McCullough et al, from Faulkner Chancery.

Marvin D. Faith et ux vs. A. H. Epperson, from White Chancery.

Roy Wright vs. Edwin Aaron, from Lawrence Chancery.

D. S. Nowlin et al vs. D. M. Kreis et al, from Marion Circuit.

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D. C.

7731

Negro Loses Appeal In Assault Case

WASHINGTON, June 21—The Supreme Court today ruled that Alabama has not denied "due process" to a 20-year-old Negro who appealed from his death sentence for the rape of a 14-year-old white girl.

Justice Harold H. Burton handed down the 5 to 3 ruling in the case of Samuel Taylor.

Burton was joined by Chief Justice Fred M. Vinson and Justices Robert H. Jackson and Stanley F. Reed. Justice Felix Frankfurter wrote a separate concurring opinion.

Justice Frank Murphy dissented, joined by Justices Wiley B. Rutledge and William O. Douglas. Justice Hugo L. Black, a native of Alabama, did not participate.

Taylor complained in his appeal that his conviction was based on an extorted confession. He did not raise the question of the extorted confession at his trial in Mobile. He said he had been warned to keep silent under threats and had been afraid to discuss alleged beatings even with his attorney.

The day before his scheduled execution on September 19, 1947, he asked the Alabama Supreme Court to reopen his case. He submitted affidavits from three fellow prisoners testifying to the so-called "third degree."

Taylor appealed to the Supreme Court when the Alabama Supreme Court denied his plea for a reexamination of his case. Burton said in today's Supreme Court decision the Alabama court action was "in accordance with long-established common law practiced and constitutes due process of law under the 14th amendment."

Murphy said in his dissent the majority decision does not foreclose Taylor's right to reopen his contentions in the federal courts. He said the convicted man now has exhausted his state remedies.

Murphy said, however, that the Supreme Court should have voted to give Taylor a chance to prove his case.

Rape Ca... Of Death

The conviction of John H. Hall, ... new sweeping ... for ..., was upheld yesterday ... United States Court of Appeals here.

Hall is scheduled to die January 7 for the crime which took ... on Kenilworth ter. ne. in October, 1946. His victim was eight years old.

In upholding the conviction appeals, Judge James M. Proctor, commented:

"The rape of a little girl, with all its horrible details—even as recited by the accused—must inevitably be regarded as a sexual crime of fiendish depravity. It would challenge our imagination to suppose that any group of persons, or any jury, with ordinary standards of decency could escape such an impression."

At the time of his trial, Hall was under a 10-to-30-year sentence for another carnal knowledge conviction.

In the present appeal, Hall contended that it inflamed the jury when the prosecutor asked him whether he were a "sex fiend." He also said it was prejudicial to allow into testimony details of the prior sex conviction.

Speaking of the "sex fiend" question, Judge Proctor said:

"The remark of the prosecutor was improper. Cross-examination is no place for argument or vituperation."

But, said the opinion, the trial judge took away any possible harm when he cautioned the jury to disregard the remark. Also, the prior conviction was admissible insofar as it concerned the credibility of Hall's testimony, it was said.

The jury remained calm despite such testimony, Judge Proctor found, as evidenced by the fact that during their deliberations they submitted this question to the judge:

"It is unanimous among the jurors that this man shall never be set free on society. Will he be given a life sentence if found guilty..."

When the judge replied that the heaviest prison sentence Hall could get was a 10 to 30 years, the jury returned with a recommendation of the death penalty.

27e(2) 1948

Florida

Southern Justice Demonstrated Here In Florida??

The Tattler
Sat 10-2-48
27e(2)
Jacksonville, Fla.

You remember the "Scottsboro" case in Alabama; the "Pompano" case in Florida; the "Kirby" case in Jacksonville and now the "Lonnie Lee Talley Rape Case" in Jacksonville.

Talley was granted a one-day-stay of execution on Monday of this week because the Governor's office was flooded with telegrams letters and telephone calls, and the same thing happened at Raiford when Supt. Chapman received many requests to hold up execution or resign.

The telegrams, letters, etc., did not do any good, because Talley was put to death early the next day, Tnesday, when certain city, county and state officials tried to be located so as to present new evidence and the name of the white man in Arlington who actually committed the raping last November.

A very prominent Arlington white woman signed an affidavit clearing Talley, but Talley died in the chair October 5th.

Several weeks after Talley was arrested a teen-age white school girl was raped supposedly by a Negro, turned out to be a white man with his face blackened. All of this happened out in Arlington.

Sat 10-9-48

It was proved that Talley was on the job working at the time of the rape, but jealousy kept somebody from testifying in his behalf.

their right, and others believed that Talley was innocent. You cannot condemn a man for his personal opinion and views pertraining to motter or cause. It is his constitutional rights to think as he may and express himself as he sees fit.

As a matter of fact we condemn before we investigate and study facts and evidence in any case.

The courts found Talley guilty on the circumstantial evidence presented. On the other hand certain white women in Arlington had their say-so, so much so, that they said Talley was not guilty. Now who is in the wrong — The Tattler or the true believers? In order for an individual to save his own skin, he must not divulge his source of information as long as he knows its true.

It's true that a white woman in Arlington signed an affidavit in favor of Talley and it's true that a white woman called the editor of The Chronicle, a white weekly, and substantiated the story of last week in the Tattler. It's true that Governor Caldwell was notified of the situation and new evidence. Something went wrong somewhere is why Talley was electrocuted last Tuesday.

The Tattler is very anxious for an investigation into the Talley Case — it can prove that the story is not false as the white weekly (Chronicle)stated.

Sat 10-16-48

It is a custom of the Chronicle to flay the Tattler whenever its editor feels that some very hot news is thereabout.

The Tattler Editor wishes to thank the Chronicle for the million dollars worth of publicity last week.

THE REASON WHY

Florida Tattler
Editorial

The reason why we as Negroes are so far behind the eight ball is not very hard to understand if we care to.

The hold-back to the Negro is the Negro and too many of us do not believe in helping, but we are 100% when it comes to pulling in different directions.

Sat 10-16-48
27e(2)

Whenever some militant man takes a firm stand against the things that are wrong and very injurious to the Negro people, some sore head, Uncle Tom or race seller will raise up and find fault with one who believes in right and fights to the finish for all concerned.

Jacksonville Fla

We have too many pussy-footing so-called Negro leaders who take side with the white man whenever a Negro is involved in any altercation or controversy. The sooner we Negroes rid the race of such no-good characters and band ourselves together as a unit, our fight is hopeless.

There has not been in the history of the Florida Tattler wherein the laws of the land have been attacked. But it has, is and will be where the Tattler will fight for those who are railroaded on circumstantial evidence.

Some believed that Lonnie Lee Talley was guilty, which is

HE SAVED US, BUT WE DID NOT SAVE HIM

27e(2)

Florida Tattler

What Price Glory? Lonnie Lee Talley, a member of the United States Air Force World War II, gave his life in the Florida State Electric Chair at Raiford on Tuesday, Oct. 5, for the alleged raping of a white woman last November out in Arlington; a crime he declared to the last that he did not commit.

Sat 10-16-48

Jacksonville, Fla

Talley was a clean cut person who believed in things uplifting to the human races. He was a Christian, a trustee of his church and a civic worker.

The most convincing statements made by Talley as he walked the last mile-"I am innocent". "Hurry up and get it over". "I know that God will take care of my poor mother and dear wife and they will meet me in heaven".

Talley was buried on Tuesday of this week with many white and Negro citizens were present.

Lonnie Lee Talley

JUDGES RELENT IN RAPE CASE

27e(2)

Attorney C. E. Robertson, Muskogee, and attorneys for

[illegible] Grayson, [illegible], condemned to die in the electric chair at McAlester earlier in the month but given a reprieve by Governor Turner, [illegible] the Black Dispatch on Monday following a conference with the pardon and parole board.

Judges Bert B. Barefoot and Dick Jones, who affirmed the sentence of Grayson, joined Robertson in requesting leniency in this case, which probably means that the doomed man may get a life sentence.

7732

7733

Mangum Dies In Electric Chair

James Mangum, 18-year-old Atlantan died in the Georgia electric chair at Tattnall State Prison in Reidsille Friday for alleged criminal assault on a 70-year-old white woman in Atlanta. 27e(2)

Pvts. M. V. Moss and W. M. Cox arrested Mangum on a routine larceny investigation, together with two other Negro youths. Subsequently, the trio allegedly confessed to assault on a dozen white women and several burglaries and larcenies of automobiles. Mangum claimed he was beaten and made to confess the assault.

Mangum was tried in the Spring of 1946 and sentenced to the electric chair. His case was extended to the Georgia Supreme Court at Brunswick and on two hearings before the State Pardon and Parole Board.

One of Mangum's companions was electrocuted in 1946, while the other drew a long-term prison sentence.

Remove the Cause 27e(2)

Editor Constitution: My observation shows that delayed trials, appeals and escapes of prisoners have contributed largely to cause defendants to commit venal crimes, taking the risk of detection, arrest and the hope of eventually escaping punishment.

Since World War II the women of this State have been attacked and assaulters have even invaded the dormitories of the female colleges and entered the rooms of dwellings where sleeping girls were attacked, to an extent which should alarm thoughtful parents and citizens.

Law enforcement through legal channels seems to have broken down and thus we have the spectacle of outraged public organizing Ku Klux and other methods to deal with this deadly and diabolical offense whose only aim is to preserve the race. 27e(2) Ga.

As a potent remedy I suggest that judges in the various judicial districts call the Grand Juries in session when crimes have been committed, indict and try the defendant immediately. In all the counties of the State it now becomes obligatory that jury lists contain names of Negroes; let this be done in compliance with the United States decisions, so that this plea cannot be invoked when a Negro has been indicted.

My opinion is that if speedy trials are had and defendants either convicted or discharged, this procedure would eliminate much of the lawlessness throughout the Southern States, and I believe that this would destroy, disband and make the Ku Klux unnecessary and it would dissolve, as it did after the War Between the States.

People of the South are not going to quietly

stand by and see their women attacked either by Negroes or whites, and the Ku Kluxers are here to stay until the cause for their existence is removed. Sandersville. E. R. WIN.

Pardon, Parole Board Studies Mangum Case

By C. Lamar Weaver

Attorneys for James Mangum, 17-year-old Atlanta youth given the death penalty for an alleged criminal attack on a white woman, appeared before the State Pardon and Parole Board Monday in an appeal to have the death sentence to life imprisonment.

Following arguments by Mangum's attorneys and attorneys for the state which were supported by a number of witnesses, Chairman of the Board Edward B. Everett said the appeal would be taken under advisement and both parties notified of the Board's decision.

Mangum was represented by Attorneys A. T. Milam and S. S. Robinson. Atty. Milam told the board that the illiterate youth had been sentenced to die on an alleged confession which was obtained through fear, duress and coercion. He called the Board's attention to the signature of young Mangum, saying that its illegibility substantiated the fact of the youth's illiteracy and that he signed the confession unaware of what its contents declared.

Society Responsible

Atty. Robinson's appeal was that society was largely responsible for the alleged crime committed. "It is incredible to say that the confession was signed voluntarily," he asserted, as he told the board that the detailed manner in which it was recorded showed a strong possibility that it had been concocted.

Governor Intervenes

Governor Thompson intervened at several points during the hearing asking clarification of certain points.

He asked the defense attorneys if the jury had been presented with any additional evidence not mentioned in the hearing that was then being held.

The Governor said he believed racial characteristics should not enter into consideration of the case, for such characteristics as exist among Negroes exist among whites.

Representing the state was Fulton County Solicitor General Paul Webb, who argued that the case had been appealed several times before and on each occasion the decision was rendered in the state's favor.

Would Have Chaos

He told Chairman Everett and Gov. Thompson if the Board wanted to place additional burden on the state, the state will have chaos. He admitted that economic plight of the Negro figured in a large percentages of their crimes but declared if we had rules to fit every case, we would destroy our system of jurisprudence.

There was no evidence that Mangum was mistreated, he concluded.

Keeler McCartney, Atlanta Constitution reporter, testified before the board and admitted it was he to whom Mangum and three other youths had made their confessions. He declared no coercion was made in his presence and stated that the youths showed no signs of having been beaten.

Sister Testifies

The doomed youth's sister, Dorothy Mangum, told the board that when she saw her brother a few days after his arrest, he showed signs of having been severely beaten. When she saw him a day before his arrest, he was not in that condition, she added.

City Detective W. M. Cox, who with his partner M. V. Moss arrested Mangum, said he had not beaten Mangum or any of the other youths arrested.

Record Will Prove

Atty. Robinson intervened and asked Det. Cox if either of the arrested boys had been sent to the hospital for treatment. The reply was "No."

The attorney told the board if it would check the records at the hospital, it would find that one of the youths had been severely beaten and admitted to the hospital.

Calvin Cole, Chief Investigator for the Fulton County Solicitor, also testified.

Atty. Robinson said it was his belief that the confession was concocted and copied from the orginal police report of the alleged rape since the two copies showed a too detailed resemblance.

Mangum was convicted two years ago. The case was appealed to the Supreme court of the state and turned down. A writ of habeas corpus was sought but it was also turned down. The youth had been scheduled to die, but a stay of execution was granted by the board making possible Monday's hearing

Mangum Denied Death Reprieve By Board

By C. LAMAR WEAVER

All doors of escaping death in the electric chair appeared to have been closed to 17-year-old James Mangum Thursday when the state prison and Parole Board, which recently heard an appeal, denied a commutation to life imprisonment.

Members of the board who heard the appeal were Chairman Edward Everett, Grover Byars and Governor M. E. Thompson, who sat with the board in the absence of Mrs. Helen Coxon, who was ill.

ATTY ROBINSON COMMENTS

Attorney S. S. Robinson, co-defense attorney for Mangum, made the following statement upon learning that the Board had turned down the appeal:

"The information coming to me, unconfirmed by the State Board of Pardons and Paroles, that James Mangum's application for commutation was denied, in view of the record and the tremendous extenuating circumstances pointed out to the Board, is the most shocking surprise I have ever experienced. This sort of high official consideration is evidence enough that the Negro in the South has a hard, tough road to travel."

Having been convicted in February of 1946 for an alleged attack on a white woman, Mangum was granted several stays of execution when his attorneys, S. S. Robinson, A. T. Milam and Gordon Smith, sought to have the electric chair sentence commuted or reversed on the grounds that his conviction largely resulted from an alleged confession which was obtained through fear, duress and coercion. The attorneys claimed that the confession was beaten out of Mangum by arresting officers.

HISTORY OF CASE

An appeal to the state Supreme court was twice denied. The latter appeal to the Parole board was the second instituted. In December of 1946 the attorneys filed a writ of habeas corpus in Tatnall county before Judge Melville Price. Following a hearing, this, too, was denied. A writ of habeas corpus was filed with the state South District court before Judge Scarlett. After hearing the case, Judge Scarlett also rendered a denial. A writ of certiorari was processed for filing with the U. S. Supreme court but failed to make the deadline as it was not perfected in time, Atty. Robinson related.

In light of the recent denial another date of execution will have to be set.

The last straw appears to be a direct appeal to Governor Thompson who is vested with special powers of commuting such sentences.

At the latter appeal Atty. Robinson declared "it is incredible to say that the confession was signed voluntarily." The attorney pointed out that the alleged confession appeared to have been concocted as reflected in the detailed manner it coincided with the original police report of the alleged criminal attack.

Calling attention to Mangum's signature affixed to the alleged confession, Atty. Milam argued that illegibility substantiated the fact of his illiteracy and that he signed the confession unaware of what its contents declared.

Prof. C. L. Harper, president of the local branch NAACP, and Dorothy Mangum, sister of the doomed youth, offered testimony to board members at the appeal hearing.

Negro's Attacker Given 20 Years

TUSCALOOSA, ALA., Dec. 16 —(AP)—An all-white jury tonight convicted a white man of carnal knowledge of an 11-year-old Negro girl and fixed his punishment at 20 years in the penitentiary.

Floyd Haywood, 40, of nearby Holt, Ala., had pleaded innocent to that charge and also to an

other charge of rape. The jury's verdict did not mention the rape charge.

Carnal knowledge of a minor child and rape are capital crimes in Alabama. The death penalty was asked.

Haywood did not take the stand. Chief defense witness was Dr. G. D. Hall, who said he examined the girl two hours after the alleged attack and found no evidence of it.

The girl testified she and two other Negro children were forced to accompany Haywood, armed with a rifle, to an abandoned coal chute, where she was raped.

A 12-year-old Negro boy said all three of the children, including the girl, were given $1 each and told to say nothing.

Haywood was arrested the night of Nov. 3[illegible]

Reset Date Of Execution For James Mangum

Fulton Superior court Monday re set March 5 as execution date for James Mangum, 17-year-old youth given the death penalty for allegedly criminally attacking a white [illegible] man in February of 1940.

Resetting of execution date follow[illegible], a denial of an appeal to have the death penalty commuted to life imprisonment.

At the hearing Gov. M. E. Thompson sat as a member of the board in absence of a regular member who [illegible].

The [illegible] case has attracted nation-wide attention through efforts of his attorneys to gain a commutation or reversal of the sentence. The attorneys are S. S. Robinson, A. T. Milam and Gordon Smith.

The case was twice appealed to the State Supreme Court but denied on the grounds that the attorneys had obtained no additional evidence that Mangum had been beaten to confess, as the attorneys contended. Two writs of habeas corpus were denied. A writ of certioraria was processed for filing with the U. S. Supreme court but failed to make the deadline, the attorneys said. The last appeal denial from the Parole board was the second rejection by the board.

The last straw appears to be a direct appeal to the Governor, himself, since he is vested with special powers of commuting such sentences.

7734

Electrocution Mandate Issued for Williams

Frankfort, Ky., Jan. 24 (AP)—A mandate ordering the electrocution of Luther Williams, 28, Negro, was issued today by Charles M. O'Connell, clerk of the Court of Appeals. 27e(2)

Williams is scheduled to die in the electric chair before dawn on February 27 at Eddyville Penitentiary.

He got the death penalty in Pulaski Circuit Court for the rape and fatal bludgeoning of Mrs. Ada Hughes at Somerset.

Rapist Gets Life Term

Covington, Ky., Feb. [illegible]—Jesse Stephenson, 31, Cincinnati Negro, convicted last week by a Federal Court jury on charges of kidnaping and raping a 44-year-old Covington woman, was sentenced today to life term in prison for the remainder of his natural life" by U.S. District Judge Mac Swinford.

Ebby Gets 5 Years In Rape of Girl, 16

Frankfort, Ky., May 4 (AP)—Roy McClain, 29, a taxi driver, was given five years on conviction here late today in Circuit Court of raping a 16-year-old school girl last December [illegible].

It was testified he had been with a group at a roadhouse and after taking the other home he drove the girl to the country. He denied the charge and claimed a "frame-up." The girl testified against McClain.

Life Sentence Given Young Kidnaper-Rapist

Covington, Ky., July 19 (AP)—United States District Judge Mac Swinford sentenced Robert Ingram, 20-year-old Cincinnati, Negro, to life imprisonment today. Ingram was convicted three weeks ago of kidnaping and raping a 44-year-old Covington waitress.

The jury which found Ingram guilty did not recommend the death penalty.

GI Sentenced On Rape Count

Pfc. Walter McCracken, 30, Fort Knox, yesterday was sentenced by a Criminal Court jury to 10 years in the penitentiary for raping the wife of another soldier.

The 17-year-old victim, from Iowa, testified the attack occurred September 24 at a downtown hotel. She said McCracken, then a sergeant, had driven her to the hotel when she was unable to obtain quarters at the post.

McCracken denied molesting the woman in any way. It was his second trial. The first ended in a hung jury November 10.

7735

NEGRO IS ELECTROCUTED

Louisianan Was Convicted Of Assaulting White Woman

PLAQUEMINE, La. June 25.—(UP)—Edward Spriggs, a 27-year-old negro war veteran, went to his death Friday in the state electric chair for criminally assaulting a young white housewife.

Spriggs walked to the chair calmly and said: "I'm sorry for what I did. I have been treated well in jail. I don't want anyone to feel they treated me unjustly."

He was strapped in the chair at 12.10 p.m. and was pronounced dead five minutes later.

The negro was convicted of assaulting the woman while her husband was away from home and while her young child played in the front yard.

A negro served on the jury that returned the mandatory death sentence.

A cab driver later found the small girl wandering on the East Reno boulevard and carried her home.

She was taken to Mercy hospital where a woman doctor examined her and gave testimony of a brutal attack marked by hemorrhage and her infection with acute gonorrhea.

The convicted man was arrested several days later as a suspect and confessed to the attack in detail into a "Wire-Recorder" used for the first time. The confession, recorded on fine wire spun on a tiny spool, was 'played-back' in the Monday district court trial.

New trial date was set for Oct. 11th.

All-White Jury Had Voted 8-4 For Electric Chair

Persons in the district court-room of Judge Lewis R. Mo[illegible] aghast from a surprise move of a convicted rapist appearing for formal sentencing to a 99-years term when the man asked for a new trial and his attorney withdrew from the case.

The alleged rapist, Henry Waldo Williams, 20, of 937 S. E. Fifth street, was found guilty by a jury of twelve white men in a district court trial September 13, for an attack upon an eight year old white girl.

Atty. Frank C. Crouch, Petroleum building, defended Williams.

The jury had voted 8 to 4 for the electric chair and had been qualified by prosecutor William H. Mounger for the supreme penalty.

Testimony in the case followed that Williams on the night of July 20, saw the small infant asleep in the bedroom of the small Walnut Grove residence of her parents, went into the house, wrapped the child in the bedding and carried her several blocks away to a ravine where he is alleged to have [illegible]

7736

Garbage Man Given Life In Rape Case

Joseph (Dupe) Ross, 54-year-old Takoma Park garbage collector, was sentenced to a life term in the Maryland State Penitentiary yesterday for raping a 72-year-old partially blind widow last May 12.

Ross

In imposing sentence, Chief Judge Charles W. Woodward, of the Montgomery County Circuit Court, strongly castigated Ross for the "brutal and vicious" crime.

"There is no place in civilized society for a man that will commit such a crime," Judge Woodward declared. Apparently referring to Ross' steadfast claim of innocence, the jurist added: "The testimony showed beyond a doubt that you committed the crime."

All Judges Oppose Parole

Read into the record during the trial last week and again yesterday were statements by psychiatrists that Ross is "feeble minded, imbecilic and moronic."

Judge Woodward said, "The evidence showed you are a responsible man in the eyes of the law, but we feel you are so close to being irresponsible that we should not sentence you to hang."

During the sentencing, Judge Woodward ordered that the record show all three judges are opposed to a parole. "This means," he told Ross, "that under no circumstances can you ever be freed." Also presiding were Associate Judges Stedman Prescott and Patrick J. Schnauffer.

Ross Smiles Broadly

After the sentencing Ross was led away, smiling broadly. His attorneys said they would not appeal. The convicted man was taken to the penitentiary in Baltimore yesterday afternoon by three deputy sheriffs.

Evidence was introduced yesterday showing that Ross had been previously sentenced to a total of 28 years in Maryland prisons for offenses ranging from housebreaking to assault with intent to kill.

When arrested, Ross was working as a garbage collector for the town of Takoma Park. Police said he was arrested on a "perfect" description given them by the almost blind victim who was dependent upon her sense of touch for identification.

7737

Doctor Is Sentenced For Raping Patient

DETROIT —(ANP)— Dr. Wenslee E. Tann, 39-year-old admitted abortionist was sentenced to 12½ to 25 years in state prison upon conviction of the rape of a female patient by Recorder's Judge Paul E. Krause here Wednesday. In addition, Tann is under sentence of a year in the house of correction for non-payment of temporary alimony, and faces a charge of obstructing justice, an outgrowth of a manslaughter case; and another involving an abortion performed on a 15-year-old girl.

The jury of four men and eight women found Tann innocent in two previous trials on manslaughter and abortion charges, but despite Tann's innocent plea, ruled he was guilty of the rape of a 25-year-old Sarnia, Ont., woman. The rape, according to the woman, occurred at the doctor's office where she had gone to consult him about an abortion.

MEHARRY GRADUATE

Though Tann made a plea for a light sentence, the judge declared, "You had a splendid opportunity in Detroit. You wasted it because you were primarily interested in money and not in service. You lied on the stand and were caught barehanded. You falsely accused police, prosecutors and judges of taking money from you for favors. You convicted yourself."

Tann was educated at Lincoln University (Pa.) and Meharry Medical College. He began practice in Detroit in 1937. He was on the staff of Receiving hospital for 10 years and was a compensation physician for the department of public works for five years, at a salary of between $3,000 to $4,000 a year.

"LURED" INTO RACKET

The doctor admitted to Dr. Lennert W. Wiren, head of the psychopathic clinic, that he had been lured into the abortion racket through prospects of easy money. His first year's work netted him $10,000, a sum which increased to $48,000 the second year. He said he had continued the illegal practice even after being charged with an abortion death last August, "because I thought I was good enough to get away with it."

Dr. Tann will be tried on the abortion charge with Miss Jean Carpenter, owner of a Horton avenue building, who acted as his "nurse," though not qualified for such work.

The alimony deal was brought by his third wife. They have one child and a divorce is pending.

7738

Doctor Convicted On Attack Score

Detroit, Mich.

DETROIT — (ANP) — Dr. Hensee E. Tenn, 39-year-old admitted abortionist, was sentenced to 12 1-2 to 25 years in state prison upon conviction of the rape of a woman patient by Recorder's Judge Paul E. Krause here Wednesday. In addition, Tann is under sentence of a year in the house of correction for non-payment of temporary alimony, and faces a charge of obstructing justice, an outgrowth of a manslaughter case; and another involving an abortion performed on a 15-year-old girl. Atlanta, Ga.

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LUCRATIVE BUSINESS 3-10-48

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Two Women Tell of Attacks; Third Beaten

Free Press Detroit, Mich.

Two women were raped and an attack was attempted on a third early Saturday it was reported to police.

Two assailants of a 31-year-old married woman seized her as she was walking with her husband on Proctor near W. Warren. They beat the husband, attacked her and escaped with her purse containing more than $800 in checks and cash. Susp.

THE HUSBAND was treated at Receiving Hospital for face and chest bruises. 7-7

Later in the morning, a 25-year-old woman was raped by an intruder she discovered in her bedroom, where she was sleeping with her mother. She told police the man threatened to kill the elder woman if the victim made an outcry.

Police were holding a suspect in an attack attempted by a 32-year-old married woman. She said she was beaten and molested on Chalmers near Scripps.

7739

A Negro can be jailed for thinking in Mississippi

CANTON, Miss. — Robert E. Williams, 43-year-old service station employee, was sentenced to life imprisonment last week for the "mental rape" of a white woman.

The woman caused his arrest last June on a charge that he made improper advances to her nd threatened her life if she told anyone. No physical harm was done her, however.

Williams said he was beaten and kicked by police officers and forced to sign a fake confession.

McGee Doomed to Die in Miss. Third Time

LAUREL, Miss. (ANP) — For the third time [illegible] was sentenced Saturday night by an all-white jury to die in the electric chair for allegedly raping a white woman on Nov. 1, 1945.

The State Supreme Court had reversed two previous convictions because no Negroes were on the jury. Three Negroes were included on the last grand jury which indicted him, thus causing officials to believe that this new conviction would stand up under higher court scrutiny.

Doomed Miss. Youth Gets 3rd Execution Stay

NEW YORK — [illegible] Smith, chief justice of the Mississippi Supreme Court, has granted a stay of execution to Willie McGee, Laurel, Miss., who on March 4 was for the third time convicted and sentenced to die for the alleged criminal attack on a white woman in November, 1945.

Joseph Gaddan, executive director of the Civil Rights Congress, made the announcement at a press conference at the Hotel Theresa for Mrs. Bessie McGee, 51, mother of the condemned man. McGee had been sentenced to die in the State's portable electric chair on April 8.

7740

Willie McGee Is Given 3rd Date For Execution

JACKSON, Miss. (AP)— The Mississippi Supreme court set June 3 for Willie McGee's third date with the electric chair.

The court set the date in overruling his latest appeal from a conviction on charges of raping a White Housewife in Laurel in 1945.

McGee's first conviction, in Jones county, was reversed by the state supreme court on the grounds that he should have been granted a change of venue. The second conviction, in Forrest county, was overturned by the United States Supreme court because Negroes had been barred from jury service. Last fall he was convicted again in Jones county.

7941

Kidnapers Get Jail

27e(2)

ROME, N. Y., June 8—Walter L. Hanna, 22, and Howard R. Coe, 23, both of Utica, were sentenced today to terms ranging from 12½ years to life in Attica State prison, after they were convicted Friday on charges of abducting and attacking a 9-year-old girl and her 7-year-old brother on Apr. 23.

7742

3, Convicted Of Attack, Die In Electric Chair

KNOXVILLE, Tenn. — William J. Turner, 21, James M. Scribner, 23, and Thomas H. Taylor, 28, were put to death in the electric chair at state prison here last Friday for criminally attacking a white woman near the Tennessee capitol in 1947. The three men were convicted following an investigation of several alleged similar attacks.

The men went to their death calmly, none of them making any kind of statement, according to the report of Deputy Warden Webb Williams. They were executed within eight minutes of each other, the last one being pronounced dead 30 minutes after the first had been strapped into the chair.

Tennessee Supreme Court Orders New Trial of Two Negroes on Technical Errors

by Abraham Jackson

Nashville, Tenn.— (ANS) Two [illegible] escaped the death penalty and were given another chance to win an acquittal when the Tennessee Supreme Court ruled last week that 3 technical errors were grounds for reversal of their conviction in Criminal Court.

The two youths, Clyde Sable, [illegible] 441 Ohio Avenue, and Herbert Bearden, 19, Divide Street, Knoxville, were sentenced to die following their conviction last June on a charge that they criminally assaulted a 59-year old grandmother in a thicket near Texas avenue, Knoxville, while her 3-year old grandchild looked on.

A new trial was ordered because the two youths were not represented by counsel when arraigned; because Judge J. Fred Bibb left the bench to testify that they pleaded guilty on arraignment; and because Atty. Gen. Hal Clements was permitted to insist on the death penalty because the attack victim had lost a son in the war.

It is likely that the two youths will be permitted to take a lesser sentence when they are returned to Knoxville from Nashville prison.

7743

Student Nurse

Taxi Driver Is Convicted In Rape Case

Washington D.C.

Charlottesville, Va., June 19 (AP). A 20-year-old service station attendant was found guilty today by Judge Lemuel F. Smth in Albemarle Circuit Court of raping a University of Virginia student nurse from Washington.

Imposition of sentence on Lemuel J. Bickers convicted of rape, was deferred until a later date on motion of the defense attorney, E. V. Walker. Bickers' wife is expecting a baby soon, the attorney told the court. 6-20-48

Bickers was remanded to the county jail to await sentencing.

The 18-year-old student nurse said on the stand that Bickers, posing as a taxi driver, approached her after she arrived here by bus from her home in Washington on Sunday night, April 25.

Instead of taking her to the nursing school, the girl said, Bickers continued southward on U. S. Highway 29 to the spot where she said the offense was committed.

She told a classmate of the offense the following day and hospital authorities the next Friday, the nurse said.

Dr. C. C. Nukols, of the University of Virginia Hospital, who saw the nurse at that time, said on the stand this morning that her physical condition revealed bruises. She was in a state of "borderline hysteria," he said, and was admitted to the university hospital for observation and further check-up. 6-20-48

It became known at that time that she had been married to a University of Maryland student, and it was discovered she was pregnant, Dr. Nuchols said.

Bickers, who took the stand just before noon, denied posing as a taxi driver and stated that the girl submitted to him of her own accord.

Maintains

He Didn't Kill Girl

27e(2)

Execution Date For Convicted Rapist Set For Oct. 29

Norfolk Va.

By JAMES N. RHEA

NORFOLK— Johnnie Edward James will die in the electric chair Oct. 29, between 6 a. m. and 6 p. m., for the rape and murder of Lonnie Coreen Lovell Daniels unless some unforeseen legal maneuver works in his behalf.

Judge R. B. Spindle Jr. passed the death sentence in Corporation Court No. 1 here Wednesday after he had read to the accused and the court an opinion noting "weird circumstances and the exceptional brutality" of the crime.

JAMES

On Tuesday James had appeared in court to hear the results of the probation investigation required in Virginia before sentence is passed on one who has pleaded guilty to a crime for which the punishment is 10 or more years in prison.

WIFE FAINTS AS SENTENCE IS PRONOUNCED

The doomed man's wife fainted as judge Spindle said clearly:

"Johnnie Edward James I sentence you to death in the electrice chair. Do you have anything to say in your behalf?"

As for James himself—he blinked his eyes, then blared them, flexed facial muscles, worked his lips several times, muttering something unintelligible. To this reporter, James still acted like a man who is not quite certain just what it is all about. 6-21-48

DENIES HE KILLED WOMAN

Although he said nothing for himself before sentence was passed, James told me emphatically on Tuesday that he really did not kill the woman. I had approched him as he was being taken back to his cell, and said:

"Hello, James."

He smiled at me, and said "Hello."

He stared at me, then at the officer with him, then at his wife and baby nearby.

"There's one thing bothers me," he said.

"The woman?" I asked.

He shook his head.

"I didn't kill her!" he said. "I did not kill that woman."

I was following along towar his cell.

"Look, James," I said. "You told the court you are guilty. You had a chance to change your plea. You didn't. Now you're saying you're not guilty."

"PRETTY GOOD" APPETITE

He shook his head. Then he said that he had had a pretty good appetite, and that he had been sleeping well.

"Well, so long, James," I said.

He turned and smiled.

"So long," he said.

I had mixed emotions. There went a man who, if guilty as he had confessed, deserved to be put away where he would not be a menace to society. And yet, there went a man who was undoubtedly the product of dirt and filth and corruption inherent in the unequal, segregated pattern of that same society.

What do you do with people like Johnnie Edward James? Surely you get rid of them somehow. But what of the ground that nurtures them? All this criminologists and outright sociologists have debated for a long time. 6-21-48

SECOND TO GET CHAIR

James is the second member of his race since 1924 to be sentenced to the electric chair for a crime against another Negro. In that year, William Dixie Slater, then 44, a native of Louisiana, was sentenced to die in the chair for the murder of Mamie Powell on Church street. The sentence was later commuted to life imprisonment.

Slater shot the woman eight times in a building on the site where the Lenox theater now stands, a veteran of many years on the police force said. He was arrested Sept. 22, 1924 and, the veteran detective said, was sentenced by Judge O. L. Shackleford on Oct. 21.

HARPER CASE IS RECALLED

In a similar instance, a jury recommended in 1931 that another Negro, William Harper, then 22, be put to death for criminal assault on a young Portsmouth white woman. However, Harper was given a new trial and was freed after the woman's testimony was found faulty. Subsequently, she was arrested for perjury.

Johnnie Edward James is 31. The woman's body was found in a lot on Goff street June 10. The court appointed to defend him Morris Gutterman, a lawyer with 10 years experience.

The trial was set for July 19,

Norfolk Slayer Sentenced to Die

Norfolk Va. Sun

27e(2)

NORFOLK, Va., [illegible]— A 31-year-old Negro and husband listened grimly last week as Judge R[illegible] of the Corporation Court here sentenced him to die in the electric chair at the Virginia State Penitentiary for the sex murder of Miss Corinne Jordan Daniels on June 10.

7744

97 Miners Plead Guilty Under Unconstitutional Anti-Lynch Law

GRUNDY, Va., July 20—(AP)—Ninety-seven of the 178 union miners indicted under Virginia's anti-lynch law pleaded guilty late today and received suspended penitentiary sentences of five years each.

The mass arraignment in Buchanan Circuit Court came late in the afternoon after two days of conferences behind closed doors by opposing attorneys in the case.

Specifically, the 97 men pleaded guilty to one indictment charging that they violated the mob violence provision of the anti-lynch law [illegible] Robert J. Gilliam, operator of the non-union strip mine, last April.

Atty.-Gen. J. Lindsay Almond, Jr., and his associates agreed to drop prosecution of 78 other men named in the Gilliam indictment.

7745

Tennessee Has 67-Year-Old Anti-Lynching Law On Books

Daily World Atlanta, Ga. 5-23-48

NASHVILLE—(ANP)— One southern state, Tennessee, is 67 years ahead of the federal government in passing anti-lynching legislation. This state has had such a law on the books since 1881.

Tennessee's law is written not once, but twice, in the state's law. It is first written in chapter 45 of the Public Acts of 1881, and again in the 1932 Tennessee Code, section 697.

Provisions of this law have much sharper teeth than the proposed bill now in congress. It reads:

"Any sheriff who, either negligently or wilfully, or by want of proper diligence, firmness and promptness in the use of all the powers with which he is vested by law, allows a prisoner to be taken from the jail of his county, or to be taken from his custody, and put to death by violence, shall be guilty of a high misdemeanor in office, and, upon indictment therefor and conviction thereof, shall be fined at the discretion of the court, and shall also by judgement of the court forfeit his office and be declared forever incapable of holding office of trust or profit in this state."

PENALTY CITED

The highest penalty for a misdemeanor in Tennessee is 11 months and 29 days in jail and $1,000 fine.

According to Gen. Nat Tipton, assistant state attorney general for 20 years, he could not recall the enforcement of this law. Only two or three lynchings have occurred in this state since the law, he added.

Tuskegee Institute, which records all reported lynchings, lists the last Tennessee lynching as occuring in November, 1944, in Pikeville. Then a 17-year-old boy accused of beating to death the wife and daughter of the school superintendent was killed by a mob.

legislation. This state has had such a law on the books since 1881. The law is written twice in the state's statutes.

It appears in chapter 45 of the Public Acts of 1881, and again in the 1932 Tennessee Code, section 697. Provisions of this law have much sharper teeth than the proposed bill now in Congress.

Provisions of Law

It reads:

"Any sheriff who negligently or wilfully allows a prisoner to be taken from his jail and put to death by violence, shall be guilty of a high misdemeanor in office, and, upon conviction, shall be fined by the court and forfeit his office and be declared forever incapable of holding office of trust."

However, Gen. Nat Tipton, assistant State's attorney general for 20 years, said he could not recall the enforcement of this law. Only two or three lynchings have occurred in this State since the law, he added. Tuskegee Institute lists the last Tennessee lynching as occurring in November, 1944.

Tennessee Has 67-Year-Old Anti-Lynch Law

Daily World 5-23-48

NASHVILLE, Tenn.—(ANP)—One southern state, Tennessee, is 67 years ahead of the federal government in passing anti-lynching legislation. This state has had such a law on the books since 1881.

Tennessee's law is written not once, but twice, in the state's law. It is first written in chapter 45 of the Public Acts of 1881, and again in the 1932 Tennessee Code, section 697.

Provisions of this law have much sharper teeth than the proposed bill now in congress. It reads:

"Any sheriff who, either negligently or wilfully, or by want of proper diligence, firmness and promptness in the use of all the powers with which he is vested by law, allows a prisoner to be taken from the jail of his county, or to be taken from his custody, and put to death by violence, shall be guilty of a high misdemeanor in office, and, upon indictment therefore and conviction thereof, shall be fined at the discretion of the court, and shall also by judgement of the court, forfeit his office and be declared forever incapable

Tenn. Has Lynch Law for 67 Years

Never Enforced, State Official Declares

5-23-48

NASHVILLE (ANP) — One Southern state, Tennessee, is 67 years ahead of the Federal Government in passing antilynching

SENATORS ADVANCE LYNCH BILL ACTION

The Times

28 Republicans, in Secret Vote, Put Measure at Top of Other 'Civil Rights' Legislation

27f(2) New York N.Y.

Special to THE NEW YORK TIMES.

WASHINGTON, April 9—Senate Republicans put their weight today behind the Anti-Lynching Bill as the first among the so-called "civil rights" measures which they will seek to pass at this session over determined Southern opposition. Sat.

In a party conference twenty-eight Republican Senators decided by secret ballot to put that bill at the top of the calendar in preference to other proposals to outlaw the poll tax and to take sanctions against racial discrimination and racial segregation. 4-10-48

Senator Robert A. Taft of Ohio, the party leader on domestic affairs, told reporters this decision was made in the belief that the anti-lynching measure would be less difficult to bring through the Senate than the others.

The effect was to put aside these others indefinitely, in view of the scheduled June recess of Congress and the accepted fact that Southern Democrats unquestionably will seek to filibuster.

Mr. Taft observed of the Anti-Lynching Bill:

"If you've got a filibuster to fight they (his Republican colleagues) thought that this was the easiest bill to get through."

The action of the conference took the Southerners by surprise. They had assumed that the Senate Republican leadership would first bring forward the Anti-Poll Tax Bill, since it already had been passed by the House.

Moreover, only seven Southern states still have the poll tax as a prerequisite for voting, whereas Southern senators not directly involved in this matter are prepared to take up entrenched positions, along with the others, against anti-lynching proposals. Sat.

Senator Taft disclosed an intention to have the Anti-Lynching Bill brought onto the floor within a few weeks, the exact date depending on the disposition of legislation which is higher on the Republican agenda. 4-10-48

A similar measure has been approved by the Judiciary Committee in the House but has not reached the floor there. The bills would make lynching an offense subject to trial in Federal courts, and would punish local officers who were held negligent in not preventing mob action.

Lynch Measure Slated First In 81st Congress

27f(2) Columbia, S.C. Light-Hearted

WASHINGTON—(ANP)—Congressmen plan to introduce the toned down federal anti-lynch bill as their first step in acting on their civil rights platform, it was revealed here last week. Sen. 2-11-48

Assuming that Gov. Dewey will be elected President, congressional Republican leaders plan to reintroduce the Ferguson anti-lynch bill that died in the senate just before adjournment of the 80th congress.

This bill, introduced by Sen. Homer Ferguson of Michigan, is a compromise bill that will probably be acceptable to the south. It calls for penalties of 20 years in prison and fines up to $10,000 for persons involved when a conspiracy between law officials and lynchers can be shown. Penalties up to five years and $10,000 would be imposed on officers who "wilfully failed or refused" to try to avert a lynching. This would go for federal officials, too. Columbia, S.C.

COMPROMISE

As a compromise it dropped sections of the orginal bills which included making lynching a federal offense and making a community or county in which a lynching occurred subjects to fines. These points were considered objectionable by the south. 2-11-48

The original anti-lynch bill was held in the senate judiciary committee more than three months last year before the committee found it acceptable. By the time it was able to reach the senate floor, the threat of a filibuster from southern senators was enough to kill it.

A final feature of the Ferguson bill is that members of the family of victims or victims, themselves, will be able to sue the participants in a lynching for damages. The suit could be filed in a federal court.

Caldwell Suit Retrial Ordered

New Orleans 27f(2)

NEW ORLEANS, Dec. 7—(AP)—A $237,500 libel judgment against the Crowell-Collier Publishing Company in favor of Governor Millard Caldwell of Florida was reversed and remanded for retrial today by the U.S. Fifth Circuit Court of Appeals. 12-7-48

The judgment, termed "probably one of the biggest" to an individual in U.S. court history, grew out of an editorial in Collier's magazine Feb. 23, 1946.

Governor Caldwell's suit charged that the editorial falsely and maliciously quoted him as condoning the lynching of a Negro.

The Court of Appeals decision said "the trial was allowed to get out of bounds almost from its beginning to its end." The decision continued: Wed. 12-8-48

"Carried away by the sense of unfolding drama presented by the spectacle of a sectional row, a struggle of North against South, Florida against New York, . . . litigants, witnesses, lawyers and jury seemed to regard the contest as a sporting event, . . . in which the best battler ought to and would win."

Lynch Law and Unions

27f(2) Wall Street Journal New York N.Y. Sun 10-11-48

Under a decision of the National Labor Relations Board, the federal government has now become a police authority with power to prosecute, judge and punish labor unions for incidents on picket lines. "Mass picketing" is forbidden under the Taft-Hartley Act, the board says, and so are "threats" by strikers against non-strikers. The prohibitions may be enforced by federal courts which, without jury trials, will have power to fine strikers or send them to jail for contempt. Rochester N.Y.

Who were the congressmen who wrote this doctrine into American law? They were the Northern Republicans and Southern Democrats who for years have refused to pass an anti-lynching law. It would be unconstitutional and un-American, they have argued, for the federal government to "intrude" in local police matters sufficiently to save poor devils from lynch mobs. But when a law is directed against labor unions, they apparently think the federal government is just the agency needed to preserve local law and order in every city and town in the country.

The problem of violence in labor disputes always has been a difficult one. Historically, unions began using violence in answer to professional strike-breakers and company-hired spies. Gradually it has been learned that, where no actual union-breaking motive is present, violence tends to disappear. In curbing abuses, firm local police authority—backed when necessary by state authority—can preserve public rights. There is a better chance for equity under this system than in fiat-law from federal courts which exposes strikers and union treasuries to crippling attacks.

The labor board not long ago confirmed an interpretation of the Taft-Hartley Act holding that workers who strike over wage issues can be replaced by "new employes," and the strikers thereafter be barred from voting on the question of union representation. This means that in a depression, unions attempting to maintain wage standards would be crushed as hungry and otherwise jobless men are hired as "replacements" for a dime a dozen. If the unions resist by even non-violent "mass picketing," the Taft-Hartley Act will hit them again.

Anti-Lynch Bill Given U. S. Senate

Minneapolis Tribune 27f(2) Duplicate

WASHINGTON, D. C.—(NNPA)—Senator Arthur Vandenberg of Michigan, president pro tempore, laid before the Senate last Wednesday a resolution adopted by the National Executive Board of the National Lawyers Guild, favoring the enactment of anti-lynching legislation. The resolution was referred to the Senate Judiciary Committee.

7746

Lynch Bill Approved By House Group, 18-8

Memphis Press 27f(2) Fri 3-5-49

WASHINGTON — (SNS) — An anti-lynching bill was approved Tuesday by the House judiciary committee which voted 18 to 8 on the Memphis Tenn.

The measure was approved despite the plea of Rep. L. Mendel Rivers, Democrat of South Carolina, for Republicans "not to burn down the house to get rid of the rats."

The anti-lynching bill passed by the committee was introduced by Rep. Clifford P. Case of New Jersey. It would provide a maximum penalty of $10,000 fine and 20 years in prison for anyone convicted of organizing, inciting or participating a lynch mob. Six Democrats voted for the measure while two Republicans joined six Democrats in voting against the bill.

Only one major change was made in the bill by the committee. A provision which would have made participants in a lynch mob liable for damages to property was erased.

Another provision which would permit victims of such [illegible] or their relatives to collect damages from members of such a group was retained.

Rep. Case expressed hope that the House rules committee would act on the bill sometime next week to clear the bill for a vote by the House membership. The rules committee must grant legislation right-of-way before the House can act on it. No difficulty was expected in getting such clearance.

7747

Southerners Halt Anti-Lynch Move

27f(2) The Record Columbia, S. C. Thurs. 2-26-48

Rule Technicality Blocks Action By House Judiciary Committee

WASHINGTON, Feb. 26—(AP)—Southern Democrats, aided by a rule technicality, blocked house judiciary committee action today on anti-lynching legislation.

But they still faced prospective defeat in the committee tomorrow on this issue which is backed by both President Truman and the Republican majority.

The bill, which would let the federal government step in and prosecute anyone who takes part in a lynching, was approved yesterday, 3 to 2, by a judiciary subcommittee. It was scheduled to get action today by the full committee with approval virtually certain.

But the committee was still deliberating when the house met at 11 a. m. Southern members rifled a rule against committee sessions while the house is sitting. So Chairman Michener (R-Mich) adjourned the committee meeting until tomorrow. The Record

When the committee does get around to voting, approval of the measure appears certain. Republicans hold a 13-12 edge in the committee and only four of the Democrats are party rebels against Mr. Truman's program of "civil rights" legislation. Columbia, S.C.

Chairman Leo Allen (R-Ill) of the House rules committee told a reporter the bill will be cleared for early House debate as soon as it gets over the judiciary hurdle.

The legislation would make it a federal crime to take part in or encourage a lynching. The maximum penalty on conviction would be ten years in prison and a $20,000 fine.

Peace officers found guilty of negligence in allowing a prisoner or suspect to be lynched could be fined $5,000 and imprisoned five years.

Could Be Penalized

Even the community in which a lynching occurred could be penalized through a requirement to pay the victim's dependents up to $10,000. Thurs. 2-26-48

Southern opposition to the measure has centered around the contention that it invades states rights. Furthermore Dixie representatives cite a drop in the number of lynchings as evidence that they are eliminating the problem their own way. 27f(2)

Senate Republican leaders are speeding action on a companion measure. Senator Ferguson (R-Mich), chairman of a Senate judiciary subcommittee, said he expects to have a bill ready late this week or early next week.

A new point of contention arose meanwhile in the Senate rules committee.

Senator Stennis (D-Miss) said that group had agreed to take up an anti-poll tax bill Friday. This also is part of the controversial Truman civil rights program.

The measure was approved by the House during the last session but never was cleared for Senate debate. The Record

In the past the Southerners have used the filibuster as their main weapon in fighting this and other measures dealing with the race question. However a recent Senate poll showed they no longer can count on the one-third-plus-one vote needed to block the debate-limiting rule called cloture.

In the past some Republicans usually have sided with the Southerners and voted against the so-called gag. Columbia, S.C.

Now, however, the GOP members appear bent on pushing the anti-lynch and anti-poll tax bills not only for whatever political advantage they hold, but to add fuel to the Democratic fire. Thurs.

The Dixie rebels, determined to fight Mr. Truman to the last ditch, made ready to fire their first telling shot today. 2-26-48

Gov. William M. Tuck of Virginia arranged to deliver a special message to the Old Dominion general assembly. Those close to the governor here predicted he would propose that the name of the Democratic presidential and vice presidential nominees be omitted from the state's ballot in November.

This maneuver would free the 11 Virginia presidential electors to cast their ballots for the candidate of their choice.

Anti-Lynching Law?

27f(2) The Times

BY JAMES MARLOW

WASHINGTON, Jan. 23—(AP)—There's been a lynching in this country every year since 1882.

There have been 44 lynchings since 1936. There was one last year. Almost all those lynched have been Negroes. Most lynchings were in the South. Birmingham, Ala.

From time to time there's been talk in Congress of passing an anti-lynch law to let the federal government, instead of the state, punish lynching. Tues. 1-23-48

But there's a big difference between talking about such a law and passing one.

Congress now is talking of such a law. Once again it may not go beyond talking.

* * *

SINCE 1900 more than 200 bills have been offered in Congress to make lynching a federal crime. Most died quietly of inattention.

A few times congressional committees have held hearings on anti-lynching bills, listening to witnesses argue for and against them.

Several times a committee has approved such a bill and sent it up to the full House or Senate for a vote.

Even when the House passed it, Southern senators managed to kill it when it came before the Senate for a vote. The last time was in 1938. Tues. 1-23-48

* * *

RIGHT NOW A subcommittee of the Senate judiciary committee is holding hearings on three anti-lynching bills.

If it approves one of them and sends it up to the full Senate, the Southerners probably will try to kill it again.

The arguments for and against an anti-lynching law center around the 14th amendment to the U. S. Constitution, Sections 1 and 5.

Section 1 says no state shall "deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

(Lynching deprives a person of due process of law: trial by jury.)

Section 5 says Congress can pass any laws necessary to be sure that Section 1 works. 1-23-48

* * *

THE MAIN ARGUMENT against an anti-lynching law is this: It would be unconstitutional by giving the federal government power to interfere in a state's own problems.

This argument is based on the 10th amendment to the constitution which says that the powers not given to the United States by the constitution belong to the states.

The three bills now being considered by the Senate subcommittee were offered by Sen. Wagner of New York, a Democrat, and three Republican senators: Hawkes of New Jersey, Morse of Oregon, and Knowland of California.

Briefly, their bills say this:

1. Anyone helping in a lynching could be fined up to $10,000 or jailed fro 20 years. The Times

2. Any officer who failed to protect a prisoner from a lynch mob could be fined up to $5,000 or jailed for five years. Tues. 1-23-48

3. The next-of-kin of a person lynched could sue the city or town where it happened for as much as $2,000. Birmingham, Ala.

* * *

THE PRESIDENT'S special committee on civil rights—President Truman appointed a committee of 15 civilians in December, 1946, and it reported in October, 1947—has a lot to say on lynchings.

Its report—called "to secure these rights"—deals with a number of civil rights violated in this country but, on lynching it says in part:

"The communities in which lynchings occur tend to condone the crime. Punishment of lynchers is not accepted as the responsibility of state or local governments in these communities. Frequently, state officials participate in the crime, actively or passively. Federal efforts to punish the crime are resisted. . . . The Times

"The almost complete immunity from punishment enjoyed by lynchers is merely a striking form of the broad and general immunity from punishment enjoyed by whites in many communities for less extreme offenses against Negroes.

"Moreover, lynching is the ultimate threat by which his inferior status is driven home to the Negro. . . . Birmingham, Ala.

"The threat of lynching always hangs over the head of the Southern Negro; the knowledge that a misinterpreted word or action can lead to his death is a dreadful burden." Tues. 1-23-48

Anti-Lynching Law Plan Sped By Republicans

Five of the governors were Carolina, told a reporter:

Five of the governors were sent here to present formal protests to Democratic party leaders. Thurmond, their chairman, said additional Dixie governors—all are Democrats, of course—are showing up, too.

They are up in arms against President Truman's whole proposal for anti-lynch, anti-poll tax, and anti-discrimination laws affecting race relations.

Peace—Or Else

Thurmond said that the Southerners were mapping out procedure for party peace—"or else." The governors brought a flock of lawyers and aides with them. Southern members of Congress met with them.

In the House, Representative Clifford Case (R), New Jersey, set hearings to begin Wednesday, before a House judiciary subcommittee on his own bill to bring lynchings under federal law. He aroused Southern governors heads the subcommittee.

On the other side of the Capi-

Anti-Lynching Law Seen Increase In Lynching Bill Passes

By Carmichael

In a telegram to Alabama's U. S. Senators Lister Hill and John Sparkman, State Attorney General Albert A. Carmichael Tuesday said the anti-lynching bill now pending in the Senate would increase rather than decrease lynching. 3-11-46

Carmichael, who is a candidate for delegate to the Democratic National Convention in Philadelphia, asked the two Senators to arrange it for him to make an opposition to the bill before the committee that will hold hearings on it. The Message

The attorney general would issue a statement today on how he stands on the Democratic Party's nomination who recommended anti-lynching measure in the Senate Committee considering this proposed legislation in opposition to the measure.

The telegram the attorney general sent the lawmakers follows: "I am convinced that the indifference and uncooperation of [illegible] now pending in the United States Senate will increase rather than decrease lynchings and will greatly disturb the peaceful racial relations now existing in the South. Further, such legislation is wholly unnecessary as there is no lynching problem in Alabama or anywhere else in the South today. This is just another unwarranted effort by the federal authorities to encroach upon the rights of the sovereign states of the union in an effort to appease minority elements in the South. As a citizen of Alabama and

Michigan, said he expects his judiciary subcommittee to complete drafting the Senate anti-lynch version before the end of the week.

Representative Fellows (R., Maine, a member of the House subcommittee, told a reporter he believes the Case anti-lynch measure will pass the full committee and the House without much trouble.

"What happens in the Senate may be something else again," he commented.

Killed By Senate

Anti-lynch legislation has passed the House three times. Each time it has died in a Senate filibuster.

Senate filibustering may not work this time, however. A Southern senator reported yesterday that a secret poll shows the Southerners now appear to have lost Republican support they need to prevent adoption of "cloture."

"Cloture" is a device by which a two-thirds Senate vote can limit debate. The Southerners are said now to be able to muster but 28 certain votes against cloture. This

(Turn To Page 2, Col. 6)

would be eight short of the strength they would need to ward off cloture if all 96 senators voted.

The Dixie governors have an appointment Monday, at 1:30 p.m., CST, to put their protests before Senator McGrath, of Rhode Island, the Democratic national chairman.

Political Suicide

However, McGrath has told reporters he did "not see what purpose Southern governors hoped to accomplish." The Memphis Commercial-Appeal quoted him as saying that for the president "to back up on his proposal now would be political suicide."

The governors committee is composed of Laney, of Arkansas; Jester, of Texas; Tuck, of Virginia; Cherry, of North Carolina; and Thurmond.

Meanwhile, a special Southern House committee established to fight the President's proposals called its first meeting for tomorrow morning. Said Chairman Colmer, of Mississippi:

"The boys from the South are in dead earnest and will fight to the finish this type of doctrine."

Representative Rankin (D), Mississippi, said in a statement that Mrs. Eleanor Roosevelt is generally understood to be responsible for President Truman's "stupid message."

The American Civil Liberties Union stepped into the issue with a letter to Capitol Hill leaders of both parties. It asked them to back Mr. Truman's program and to "forego attempts at partisan advantage. It said:

"We do not believe that the opposition to the President's program voiced by some members of Congress represents the true spirit of most Americans even in their districts.

Dixie Rebs Block Action In House On Lynching Bill

But They Still Face Prospective Defeat On Issue Tomorrow

WASHINGTON, Feb. 26 — (AP) — Southern Democrats, aided by a rule technicality, blocked House judiciary committee action today on anti-lynching legislation.

But they still faced prospective defeat in the committee tomorrow on this issue which is backed by both President Truman and the Republican majority.

The bill, which would let the federal government step in and prosecute anyone who takes part in a lynching, was approved yesterday 3 to 2 by a judiciary subcommittee. It was scheduled to get action today by the full committee, with approval virtually certain.

But the committee was still deliberating when the House met. Southern members cited a rule against committee sessions while the House is sitting. So Chairman Michener (R., Mich.) adjourned the committee meeting until tomorrow.

The Republicans hold a 13 to 12 edge in the full committee and of the Democratic members only four are party Rebels.

Chairman Leo Allen (R. Ill.) of the House rules committee, told a reporter the bill will be cleared for early House debate as soon as it gets over the judiciary hurdle.

* * *

THE LEGISLATION would make it a federal crime to take part in or encourage a lynching. The maximum penalty on conviction would be 10 years in prison and a $20,000 fine.

Peace officers found guilty of negligence in allowing a prisoner or suspect to be lynched could be fined $5,000 and imprisoned five years.

Even the community in which a lynching occurred could be penalized through a requirement to pay the victim's dependents up to $10,000.

Southern opposition to the measure has centered around the contention it invades states' rights. Furthermore Dixie representatives cite a drop in the number of lynchings as evidence they are eliminating the problem their own way.

Law Passed In Committee

74 Southerners Ready to Fight Truman Plans

By the Associated Press.

Washington, Feb. 25.—A federal antilynching law was approved by a House judiciary subcommittee today in the face of a growing Southern Democratic revolt against this and other civil-rights proposals of President Truman.

Seventy-four House Democrats, it was disclosed, now have pledged themselves to a finish fight against Truman's antilynching, anti-"Jim Crow" and other recommendations involving States' rights and race relations in the South. (Noble J. Gregory of Mayfield was the only Kentuckian listed, the United Press reported.)

Congressman Sam Rayburn (D., Tex.) nearly staged a rebellion within a rebellion when he got wind of Southern plans for a "rump caucus" to protest the President's civil-rights program. Drew Pearson says on the back page of Section 2.

Now striving openly to prevent Truman's nomination for a full term in the White House, "rebel" leaders focused their attention on Richmond, onetime capital of the Confederacy, where Governor Tuck plans a special message to the Virginia General Assembly tomorrow.

Similar Action Pondered.

They considered it certain Tuck would call for State action against the Truman program. And there were indications he would propose that the name of the Democratic presidential candidate be left off the Virginia ballot next November.

This would mean that Virginia's 11 electoral votes would not have to be cast for Truman if he is nominated by the Democratic national convention next July. A similar half-secession threat is being considered in other Southern states.

Approved 3 to 2.

The antilynch law, introduced by Representative Case (R., N. J.), was approved by an unofficially reported 3-to-2 vote. Representative Cravens (D., Ark.) said he voted against it. The other subcommittee members, one of whom presumably did not vote, are Representative Case, Fellows (R., Me.), Devitt (R., Minn.), Byrne (D., N. Y.), and Feighan (D., Ohio).

The measure now goes to the full Judiciary Committee, scheduled to meet tomorrow. This committee could send it to the House floor for an early vote. Of the 26 committee members, six are Democrats from the South.

The bill is similar to others which have been passed by the House but "talked down" in the Senate. It would permit the Federal Government to prosecute persons accused of taking part in a lynching or law officers charged with failing to do all they could to prevent a lynching.

Those accused could be tried in federal courts far from the scene of the lynching. Jail sentences up to 10 years and fines up to $20,000 could be imposed. And lynch victims—or their survivors—could be awarded damages up to $10,000 from the City or County where the violence occurred, if there was any negligence by police.

Representative Oren Harris (D., Ark.), making public the list of Democrats who have signed up to oppose the antilynch and other proposals, said the 74 would be joined by other members "as soon as they have the opportunity."

Drawn Up Last Week.

The pledge they signed is the one drawn up by a meeting of some 50 House Democrats last Friday. It binds them to cooperate with the Southern Governors who have called on "Democrats everywhere" to join their campaign against the civil-rights program.

One "rebel" leader, Democratic Senator McClellan of Arkansas, said the new strategy is to convince party figures outside the South that Democratic chances for victory in November would be better with a candidate other than Truman.

"The time can come," McClellan told a reporter, "when the party may realize that President Truman can't win. Maybe then we can get another nominee."

Action Due Friday.

Meanwhile Senator Stennis (D., Miss.) said the Senate Rules Committee has agreed to begin action Friday on a House-approved antipoll-tax bill. This is another Truman recommendation which Southern "rebels" are fighting.

Stennis said he would oppose the bill and demand hearings in all seven states where payment of the tax is required of voters—Virginia, South Carolina, Tennessee, Alabama, Mississippi, Arkansas, and Texas.

The senator said State hearings should be held "in order that the people may better understand how such a measure violates the rights of all citizens of all states to cast their ballots without federal interference and control."

Wright Calls for South To Be Balance of Power

Little Rock, Feb. 25 (AP)—Governor Fielding Wright of Mississippi tonight called on the "solid South" to "become the balance of power" in national politics.

"We must so place our support as to insure the defeat of any group which ignores us," said Wright in an address prepared for delivery at a dinner sponsored by the Arkansas Free Enterprise Association.

Wright, a leading advocate of Southern revolt against the leadership of the national Democratic Party because of President Truman's civil-rights recommendations, said:

"Jefferson and Jackson Democracy is not in retreat, but in full rout. Today the so-called leaders of the national Democratic Party totally ignore the concept of local self-government. This they do in a desperate, degrading clutch for continued political power."

Program 'Diabolical.'

The Mississippi chief executive said Truman had asked Congress to enact a "diabolical program of communistic-inspired recommendations of the so-called Civil Liberties Committee. . . .

"I am in favor of kicking the renegades out of our party and bringing it back to the true Democrats. We know that human relationship cannot be equalized and balanced by legislation, unless through such legislation, the power of the State is exercised to force all men into a pattern. . . .

"These bills now pending are but a beginning. They are merely the forerunners of legislation aimed at tearing down all of the fundamental rights and liberties which American citizens and States . . . have long cherished. . . .

"We of the South owe no allegiance to those who have so basely betrayed us. . . ."

House Body OKs Anti-Lynch Bill

Daily Worker Washington Bureau

WASHINGTON, March 2.—The House Judiciary Committee today approved the Case anti-lynching bill by 18-8. The measure now goes to the Rules Committee. Rep. Clifford P. Case (R-NJ), sponsor of the measure, said today he expected early committee clearance.

Two Republicans joined six Democrats in voting against the bill in committee. Six Democrats and 12 Republicans voted for the measure.

The bill, HR 2488, defines lynching as a Federal crime. It provides a penalty of 20 years imprisonment and a fine up to $10,000 for anyone convicted of organizing, inciting or participating in a lynching.

CHANGE BILL

The Judiciary Committee made one major change in the bill. It deleted a provision making members of a lynch mob liable for damages to property. The provision granting damages up to $10,000 to families of lynch mob victims was retained.

Also retained was punishment of state, county or municipal officials for failure to make "all

7748

NAACP HITS FAILURE TO
ACT ON ANTI-LYNCH BILL May 20, 1948

NEW YORK, May 20.-- The Senate "is deliberately side-tracking the anti-lynching bill," and if the present course continues the Republican leadership will give the rest of the civil rights bills "no attention whatsoever," it was charged today by Walter White in a letter to Senator Robert A. Taft, (R.-Ohio). NAACP-Press-New York, N.Y.

Criticizing the failure of Republicans and northern Democrats to attend meetings so that the Senate judiciary committee would have a quorum to act on the bill, White said: Jhw. 5-20-48

"Our position is that three measures, anti-lynching, anti-poll tax, and FEPC, were pledged to be passed by the party platform of 1944 and that these constitute the minimum program acceptable to Negroes this year."

Characterizing the moves as "transparent," White said the GOP is repudiating its pledges to Negro voters and will have no basis for asking their votes next fall.

ASKS LEGAL LYNCHING BAN

U. S. Should End Abuses of Rights, Says Rep. Keating

ROCHESTER, N. Y., July 4 (AP)—Federal legislation to end lynching and "other abuses" of human rights was termed "our clear duty" by Representative Kenneth Keating tonight.

In a speech at a Douglass Day celebration, the New York Republican added it was "essential that the basic human rights embraced within the so-called civil-rights program be safeguarded and strengthened."

He said this was necessary to maintain "our domestic tranquility as well as our position of world leadership."

The celebration, which is in its third day, honors the memory of Frederick Douglass, one-time Negro slave who became a Rochester abolitionist editor.

Mr. Keating praised Mr. Douglass as "not primarily a Negro, but an American."

He quoted the Fourteenth Amendment to the Constitution which provides that no person shall be denied by any state the equal protection of the laws. He said Congress had power to enforce, by appropriate legislation, the provisions of the article.

3 Anti-Lynch Bills Studied

WASHINGTON—A Senate judicial sub-committee, headed by Sen. Homer Ferguson (R., Mich.), Monday opened hearings on three anti-lynching bills.

These hearings, the first on Negro interest legislation scheduled during the second session of the Eightieth Congress, were primarily centered on the measure introduced by Rep. Robert Hawkes (R., N. J.).

This bill is considered the weakest of three bills before the committee, and is not endorsed by NAACP, which backs S-1352, introduced by Sen. Wayne Morris (R., Ore.).

Senator Hawkes testified in favor of his bill, Monday, and declared that "Criminal guilt should not be determined by emotional, ex-parte trial, conviction and execution."

He pointed out that while he abhorred the crime which usually leads to lynching, he did not see why the commission of such a crime against his daughter by a white man should be any different than the commission of the same crime by a colored man.

He demanded "equal justice before the law."

Sen. James O. Eastland (R., Miss.), a member of the sub-committee, led the attack against the bill and produced a witness, William F. Barry, solicitor general of Tennessee, to speak against all of the measures.

Sen. Chatman Revercomb (R., W. Va.), the third member of the sub-committee, expressed a desire to report out a bill which was legally valid, and he suggested that he might want to eliminate the civil liabilities provisions from the bill and tackle only the criminal aspects of lynching.

Senator Morse and Atty. Charles H. Houston were scheduled to testify on Tuesday.

Labor Group Endorses Anti-Lynching Bill

NEW YORK — Amendment of the Senate rules to provide for cloture on a majority vote instead of the two-thirds vote now required, was urged in a resolution passed by the United Hatters, Cap and Millinery Workers Union at its international convention held here recently. The trade union also went on record endorsing

ANTI-LYNCHING BILL 27f(2)
New Republic

While Southern ire was at its height following President Truman's courageous message to Congress on Civil Rights, the Senate and House Judiciary Committees fearfully opened hearings on the first piece of legislation in his program—an anti-lynching bill.

No one doubted the facts of committee witnesses, since perpetrators of trial by fury lynched five persons in 1940, five in 1941, six in 1942, three in 1943, one in 1945, six in 1946 and one in 1947. These figures do not include the many attempted lynchings (31 last year) during the same period, or the successful lynchings that resulted in something less than death. No convictions were obtained in any of the above cases.

Without legislation, said Representative Emanuel Celler (D, N. Y.), the effort to stop such violations will be as slow as "rubbing a bar of steel to make a needle." But Alabama's Representative Sam Hobbs declared the measure would promote lynchings, that it was just the product of "an overweening desire to keep the South a conquered province," and then concluded, "We love our Negroes" too much to let such a bill pass.

New Republic

The real wreckers. The committee fracas was heightened when Walter White, secretary of the National Association for the Advancement of Colored People, charged that "The most dangerous destroyers of faith in the democratic process today are not the Communists but the Eastlands, the Rankins, the Bilbos and the Talmadges who advocate second-class citizenship for minorities, the lynchers who make a mockery of the laws, and those who, wittingly or stupidly, support the racism of such demagogues." Irate and emphatic, Senator James O. Eastland (D, Miss.) said he refused to fight "with this witness or any other nigger." (There was some confusion as to whether he had said "neighbor" or "Negro." So he spelled it out—"Of course I said n-i-g-g-e-r."

New York

When the anti-lynching bill comes up, Republican leaders hope to use it to break a Southern Democrats' filibuster. The measure, which would make lynching a federal offense subject to investigation by the Department of Justice and prosecution in a federal court, will pass the House first, according to leaders, under a closed rule which will limit the debate to a few hours. The Senate will probably take up the measure in about a month. If a filibuster develops, the Republicans plan to threaten to amend the cloture rule so that Senate debate can be limited by a majority vote. Southerners, the GOP strategists believe, will then give way and permit a vote on the anti-lynching bill, rather than run the risk of a change in the cloture rule which would open the way to passage of other anti-discrimination legislation.

Senators Cold To Lynch Bill

27f(2)
Daily Worker

Daily Worker Washington Bureau

WASHINGTON, Jan. 21.—Charles H. Houston, Negro attorney and representative of the NAACP, appeared today before the Senate judiciary subcomittee to urge adoption of the Morse-Wagner anti-lynching bill. But only one member of the group, Sen. Homer Ferguson (R-Mich) was present to hear his testimony. Sen. James O. Eastland (D-Miss) arrived after Houston concluded his remarks. Sen. Chapman Revercomb (R-WVa), third member of the group, was absent.

Absenteeism at the anti - lynch hearing was in marked contrast to the full attendance at Congressional hearings on the Marshall Plan or those held by the Un-America committee.

Daily Worker

Eastland, who came in for the second witness, interrupted the testimony of Albert E. Arent, of the Washington chapter of the American Jewish Congress, to charge the U. S. supreme court with "judicial dishonesty" because of its decisions critical of racial discrimination.

New York, N.Y. Star

What Chance Has An Anti-Lynching Law?

Pierc Jan. 21-48 27f(2)

By FREDERICK BLACHLY

Louisville Ky

A SENATE Judiciary sub-committee has been holding hearings on three anti-lynching bills. In the House 14 such bills were introduced in 1947.

If previous experience with federal anti-lynching measures is repeated, the House will pass such a bill coming to a vote by a 2 to 1 majority, and the Senate will get embroiled in a filibuster led by Southerners. The last time this happened, in 1938, two cloture motions to limit debate were defeated: the first by 51 to 37; the second by 46 (34 Democrats, 10 Republicans, 2 others) to 42 (38 Democrats, 3 Republicans, 1 other).

Courier Journal

The votes brought charges of "politics" from both parties. Democrats accused the Republicans of insincerity in not voting for cloture while claiming to favor the bill. The Republicans retorted that the Democrats, with more than two-thirds of the Senate seats, were responsible for the fate of the bill.

The Republican leadership apparently didn't want the Democrats to get credit for the anti-lynching bill and expected Negro voters to blame the Democrats and not the G.O.P., for failure to force it through. Today the Republican majority in the Senate, plus the non-Southern Democrats, would be able to muster more than the two-thirds required for cloture. The Republicans would then get credit for living up to their 1944 party platform: "We favor legislation against lynching and pledge our sincere efforts in behalf of its early enactment." That would put it up to the non-Southern Democrats!

Jan. 21-4

In addition to the well-known reluctance of Southerners to having the rights of their States invaded, especially on poll-taxes, fair-employment practices, and lynchings, there are constitutional deterrents to an effective federal anti-lynching law. The report of the President's Committee on Civil Rights said: "The constitutionality of some parts of such a statute, particularly those providing for the prosecution of private persons, has been questioned."

Most of the current anti-lynching bills provide only for federal prosecution of local law enforcement officers who fail to prevent lynchings. Recent Supreme Court decisions in law-enforcement cases indicate that the Court would uphold this provision. Senator Morse's bill, in addition, authorizes the U. S. Attorney General: (1) To investigate charges of lynchings and (2) to prosecute "any person, whether or not a member of a lynch mob, who wilfully instigates, incites, organizes, aids, abets, or commits a lynching by any means whatsoever." Punishment is up to $10,000 fine and/or up to 20 years imprisonment. The fines collected by the Federal Government would be turned over to the victim's family.

The Morse bill is prefaced with the statement that "the right to be free from lynching is a right of citizens of the United States." Senator Morse told the Judiciary subcommittee: "I think we are entering a field of Constitutional law that requires giving to the Constitution applications not previously given."

Lynchings have fallen steadily from the 231 recorded in 1892 down to one in 1945, six in 1946, one in 1947. Tuskegee Institute reports that during 1947 there were 31 instances in which lynchings were prevented; 27 of them in the South.

7749

Anti-Lynch Bill In Storm Center Of Dixie 'Revolt'

PM 27f(2) New York, N.Y.
Thurs. 2-5-48

WASHINGTON

Amid the continuing Southern storm against President Truman's civil rights program, an anti-lynch bill moved today toard House approval, and some political observers felt its passage was being pushed by the GOP to increase the rift in Democratic ranks.

Chairman Earl C. Michener (R. Mich.) of the House Judiciary Committee said the bill probably will be approved next week and sent to the House floor, where quick passage was expected.

Southern ire against Truman's broad program spilled over into yesterday's one-day subcommittee hearing on the bill. After hearing secretary Walter White of the National Assn. for the Advancement of Colored People praise Truman's message as a "courageous and clear blueprint," Alabama's Rep. Sam Hobbs got up and assailed the measure as only likely to promote lynchings.

PM New York N.Y.

Hobbs maintained the measure was just the product of "an overweening desire to keep the South a conquered province," declared: "We love our Negroes."

Hot words flowed on the floor of the House. Rep. Eugene Cox (D., Ga.) shouted that Truman's program "sounds like the platform of the Communist Party, "and Rep. John B. Williams (D., Miss.) warned Democratic leaders not to "brush off" the threat of a Southern Democratic "secession," due for discussion this week-end at the Southern Governors' Conference at Tallahassee, Fla.

Thurs. 2-5-48

Chairman Carroll Reece of the Republican National Committee got into the act with a statement meant to capitalize on the dispute.

"The current revolt of Southern Democrats," he said, ". . . is additional evidence that the so-called Democratic Party is really an aggregation of splinter parties with discordant and mutually antagonistic aims and purposes.

"With the Moscow wing of the party already departed to the left, and with the racially intolerant wing now threatening to go off in another direction, it looks like the Pendergast splinter will be all alone by next November.

New York N.Y.

Rep. James W. Trimble (D. Ark.) was one Southern Democrat who took it all in strie, terming the wrangle "the same old row within the Democratic Party which occurred every Presidential election year since I can remember.

ANTI-LYNCH LAW BACKED

Times 27f(2)
New York, N.Y.

5 Representatives From North and West Testify for Bill

WASHINGTON, Feb. 8 (AP)—Five members of Congress from the North and West urged today the approval of an anti-lynch law.

They appeared before the House Judiciary Committee along with Walter White, secretary of the National Association for the Advancement of Colored People.

The hearing today is the only one the committee plans. It may act on the legislation later in the week. Hearings on similar legislation are under way also in the Senate.

Thurs. 2-5-48

Members of Congress urging approval were Representatives John W. Heselton, Republican, of Massachusetts; Helen Gahagan Douglas, Democrat, of California; T. Millet Hand, Republican, of New Jersey; Emanuel Celler, Democrat, of New York, and Kenneth B. Keating, Republican, of New York, author of one of fourteen bills before the committee.

The House has passed anti-

lynch bills three times in the past. But filibusters by Southern Democrats always have blocked Senate action. The Times 2-5-48

Mr. White told the committee that there is nothing to the argument that the continued threats of lynching is "necessary to prevent the rape of white women."

In only one of six cases, he said, have lynchers charged their victims with "sex offenses of any character." Post Dispatch, Tex.

Fuel For The Flames

The Record 27-(2)

The Republicans are all set to toss a little gasoline on the flaming Democratic fued over so-called "civil rights" legislation by bringing up that hardy perennial, the federal anti-lynching bill. Columbia, S.C. Fri. 2-6-48

They would have brought it up, of course, even if the President had never produced his civil rights message. The Republicans always bring up an anti-lynching bill in an election year.

And it will pass the House. The Southern Democrats know that the Republicans can put over in the House any such legislation that the Republicans elect to push for passage.

Their only hope is to make use of delaying tactics in the Senate where regularly heretofore the anti-lynching bills have been killed by filibuster. Fri. 2-20-48

This year, however, the filibuster may fail, as, of course, one day it will. The Truman message has put the Republicans on the spot and the only way off for them may be to agree to cloture and shut down on the South's talking.

And The Record might favor the enactment of a federal anti-lynching bill, if it wasn't convinced that the Republicans would have to have another similar bill brought up every election year as bait for the Negro votes. The harm its enactment would do would be more than offset now by the good of the demonstration of the futility of its enactment. The Record Columbia, S.C.

Anti-Lynch Bill Draws Severe Rankin Attack

The Advertiser Montgomery, Ala. 27-(2) Thurs. 2-5-48

Southern Pleas Ignored As House Unit Moves To Speed It To Floor

WASHINGTON, Feb. 4.—(AP)—Southern Democrats in Congress bitterly attacked GOP-sponsored anti-lynch legislation Wednesday with Rep. Rankin (D), Mississippi asserting that a similar move in 1921 "nearly wrecked" the Republican Party.

One after another, Dixie legislators made impassioned pleas to a House judiciary subcommittee to "let the South alone."

But Rep. Case (R), New Jersey, and other Republican backers of the proposed legislation moved to bring a bill to the House floor with all speed.

Case, author of one of 14 anti-lynch measures now pending, told a reporter he expects the legislation to pass both houses and predicted that the Senate, the stumbling-block of previous anti-lynch bills, will even go so far as to prevent a filibuster movement. 2-5-48

Ranged against the deep-South outcries, a parade of northern House members and representatives of organizations such as the American Civil Liberties Union, the American Jewish Congress and the National Association for the Advancement of Colored People spoke out for the proposed legislation.

Rankin Shakes Finger

Shaking his finger in the face of Chairman Case, Rankin told the House subcommittee that his bill and another sponsored by Rep. Celler (D), New York, "ought to be called the bill to encourage rape." 2-5-48

Rankin said an anti-lynch bill in 1921 was killed by a filibuster despite a Republican majority of 169 in the House and 23 in the Senate "and it came near wrecking the Republican Party."

"The object of this bill is to nag the white people of the Southern states," Rankin shouted. "It won't alleviate race trouble. It will only increase it."

Asserting that white women now are "afraid to walk the streets of Washington, D. C.," Rankin told the committee:

"You just keep this stuff up and you'll stir up a race riot here. You've got the people of Washington alarmed now." 2-5-48

Speedy Okeh Seen

The full committee is expected to give speedy approval to anti-lynch legislation. Montgomery, Ala.

A question bobbed up whether the bill should be broad enough to cover mob violence connected with strikes. The committee will decide whether to include it before sending a bill to the House floor. The Advertiser

Rep. Hobbs (D), Alabama, told the subcommittee that sentiment for such legislation grows out of an "overweaning desire to keep the South as a conquered province." 27-(2) Montgomery, Ala. Sat.

Hobbs declared there is only one way to stop lynching and that's the way we are following—by intelligent, enlightened handling by local authorities . . . This terrible crime is now dying out." The Advertiser 2-5-48

Rep. Keating (R), New York, said there were 5,144 lynchings from 1889 to 1944. He is author of one of 14 bills before the committee. 27-(2)

Rep. Celler (D), New York, Hesselton (R), Massachusetts; Douglas (D), California, and Hand (R), North Carolina, made statements supporting the legislation.

Mississippi's Governor

To the Editor: 27-(2) Post N.Y.

The Southerners better make up their minds on whether an anti-lynch bill shouldn't be passed because it only would increase lynchings in the South as one Southern representative to Congress said, or whether there is no need for an anti-lynch bill because there are no lynchings in the South, as Gov. Fielding L. Wright says. Gov. Wright's hypocritical statement that "we don't lynch people down here" reminds me of Pastor Niemoeller of Germany who was supposed to have declared on a visit here that there is no longer any anti-Semitism in Germany, while a Military Government survey recently showed that the vast majority of Germans are anti-Semitic! Newspaper, N.Y. New York 2-11-48

LIBERO DI VA

Anti-Lynching Bill

The Record Columbia, S.C. 27-(2) Fri. 2-27-48

A sub-committee of the House judiciary committee has approved the anti-lynching bill, first of the so-called civil rights measures, to come up for consideration.

The measure, which now goes to the full committee for action, would make lynching, which is now simply murder punishable in the states by death or life imprisonment, a federal crime, reducing the penalty to a maximum of ten years' imprisonment and a fine of $20,000.

On the model of the state anti-lynching laws, of which the South Carolina act is one, the bill undertakes also to impose penalties upon peace officers, guilty of negligence in a lynching, by making them subject to a fine of $5,000 and five years' imprisonment.

In addition, this also following the state law model, it makes the county or city in which a lynching occurs liable for damages to survivors of lynch victims, ranging from $2,000 to $10,000. Unlike the South Carolina law, however, which places no such restriction upon the county's liability after a lynching, no damages would be authorized where no negligence by peace officers was involved. Fri. 2-27-48

The bill will, of course, be approved by the House judiciary committee and when it comes up for action will be passed by the House. The Southerners have been unable for years to prevent the House passage of such measures.

Lynching has become through the efforts of the South, for all practical purposes, an academic issue. There was only one lynching in the United States, so described, last year—the Greenville-Pickens lynching, which broke South Carolina's long-time no lynching record. In this case everything was done by the state that might have been done by the federal government although no conviction resulted in the state courts any more than a conviction would have resulted in the federal courts on the same evidence.

It seems, of course, ridiculous for the Congress of the United States to be enacting a federal statute in an attempt to deprive the states of jurisdiction of a crime which they have substantially eradicated. And it is silly to do so. The federal law against kidnapping has not yet reduced kidnapping any more than lynching has been reduced. The Record

It is even a little silly for the South to make much a protest against the passage of the bill, which if the present Southern attitude toward lynching continues will mean something less even than the federal prohibition law. In 1892 when 255 persons—100 whites and 155 Negroes—were lynched, there was an excuse for the enactment of a federal anti-lynching law. But it was not passed then. That it is proposed now when lynching has been effectively curbed reveals the political motives behind it. For there is no excuse for it now in law enforcement.

There are, of course, dangers in the proposal now. Of 28 attempted lynchings last year, 27 were thwarted, most of them by the vigilance of local law enforcement officers. And it is always better to prevent a lynching than even to punish lynchers after the victim is dead. It is even better from the victim's point of view. Southerners have been laboring for years to build up in the local law enforcement officers the responsibility for preventing lynchings. Eliminate this or reduce it by making the federal government primarily responsible for the punishment of lynchers and the preventing of lynchings and there is the likelihood that lynching will increase. Many of the 27 lynchings that did not occur last year might have occurred and no actionable negligence on the part of officers would have been involved. These officers could have simply treated the Negroes arrested and accused of crime as white men arrested on the same accusations were treated. The lynchings were prevented by the refusal of law enforcement officers to connive at an event and the loss would be one that couldn't be restored by the satisfaction of telling the Congress, "I told you so."

South Carolinians would be the losers in such lynching encour... And The Record doesn't want lync... want it encour... South Carolina and... For South Carolina. Particularly it does not wa... aged. They... consider their prisoners as other prisoners. They were saved from the mobs by moving them be...

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27f(2)

ANTI-LYNCHING AND OTHER BILLS NEEDED FOR CIVIL RIGHTS, CONGRESS TOLD

Press Service of The NAACP New York, N.Y.

Washington--Calling lynching but one symptom of sickness in a democratic society, Walter White, NAACP secretary, told a subcommittee of the Senate judiciary committee Feb. 2 that the 80th Congress should enact not only anti-lynching legislation, but anti-poll tax, FEPC, and federal aid to education bills, as well as amend the Senate rules to prevent filibusters.

Press Service of The NAACP New York, N.Y.

"To do one of these things," said White, "and ignore the others is equivalent to a surgeon removing one-sixth of a malignant growth in a patient's body and declaring the patient cured. For the sake of the democratic process we plead with the Congress to destroy the cancer of racism in American life by wiping out all of these ills as has been so brilliantly and unequivocally recommended by the President's Committee on Civil Rights under the chairmanship of Charles E. Wilson, President of the General Electric Corporation." Fri. 2-6-48

Speaking in support of S. 1352, introduced by Senators Robert F. Wagner (D.,N.Y.) and Wayne Morse (R., Ore.), Mr. White scored the compromise proposal, mentioned in some quarters, which would eliminate punitive provisions from the bill.

27f(2)

HEARINGS HELD ON ANTI-LYNCHING BILL

Washington, D.C.--Hearings on the anti-lynch legislation were conducted by the Senate Judiciary Subcommittee on January 19, 20 and 21. The committee is considering S. 42, introduced by Senator Albert W. Hawkes (R., N.J.), S.1465, by William F. Knowland (R., Calif.), and S. 1352, the NAACP supported Wagner-Morse Bill. Members of the subcommittee are: Homer Ferguson (R., Mich.), Chapman Revercomb (R., W. Va.) and James O. Eastland (D., Miss.).

Press Service of The NAACP. New York, N.Y. 1-23-48

Walter White, NAACP secretary, is scheduled to testify in support of the Wagner-Morse bill January 27. Fri. 1-23-48

The Wagner-Morse Bill defines lynching as any violence to person or property by a mob (an assemblage of two or more persons) (a) because of the race, color, religion, creed, national origin, ancestry or language of the victim, or because (b) the victim was suspected, accused, or convicted of a criminal offense.

The victim would not have to die in order to be "lynched" within the meaning of the bill. Any injury is sufficient.

Members of the lynch mob, or any person who aid or incites the mob, are made punishable by a maximum imprisonment of 20 years or a maximum fine of $10,000 or both.

Press Service of The NAACP. New York, N.Y.

Dereliction on the part of state officers charged with responsibility of protecting the yictim or apprehending the lynchers is made punishable by a maximum imprisonment of five years or a maximum fine of $5,000, or both. Fri. 1-23-48

Every governmental subdivision of the state which wilfully or negligently permits an individual to be seized, abducted and lynched is made liable to the lynched, if he lives, for monetary compensation for injury of $2,000 to $10,000 or, if he is killed, to his next of kin. These suits would be brought in a Federal district court and prosecuted by the Attorney General of the United States in behalf of the victim or the victim's next of kin.

The Hawkes and Knowland Bills would limit punishment to officers of the law who permit or connive with lynchers. These bills would also permit the recovery of civil damages by the lynched or his kin.

In support of the legislation the following witnesses have appeared: Senator Hawkes, Senator Morse, Congressman Kenneth B. Keating (R. N.Y.), Mike M. Masaoka, representing the Japanese-American Citizens' League, Charles H. Houston, chairman of the NAACP National Legal Committee and Albert E. Arent, for the American Jewish Congress. William F. Barry, Solicitor General of Tennessee, appeared in opposition.

Senator Hawkes testified with respect to the need for enacting anti-lynching legislation and stated that he favored any amendments to

his bill which would make it effective to end the crime.

Press Service of The N A A C P. New York. N.Y.

Mr. Barry stated that there had been no lynchings in Tennessee "in recent years" and that the legislation was unnecessary and unconstitutional.

Senator Morse, the sponsor of the NAACP bill, quoted from an exhaustive brief tracing the legislative history and debates at the time of the adoption of the Fourteenth Amendment to the Constitution to show that the framers of this Amendment clearly intended that Congress should have the powers, which it never before had, "to enact laws for the protection of citizens both as against the states and individuals in the states." Senator Morse also contended that his proposed legislation would be valid under Article I, Section 8, Clause 10, which empowers Congress "to define and punish . . . Offenses against the Law of Nations," since the United States is a party to the United Nations Charter and pledged itself "to promote universal respect and observance of human rights and fundamental freedoms for all," it has the obligation to enact laws against the Laws of Nations, i.e. United Nations Charter.

27 f (2) Press Service of The N A A C P. New York N.Y.

Mr. Houston referred to the fact that the President's Committee on Civil Rights had recommended the enactment of anti-lynch law containing the essential features of the Wagner-Morse Bill. This, he said said, was a tribute to the sponsors of this legislation who had introduced their bill six months before this Committee made its final report. After discussing the legal aspects of the legislation, with particular reference to the Screws case, he referred to the current international situation. He called attention to the fact that Panama refused bases to the United States because of discriminatory racial practices there. Houston contended that inasmuch as a large part of the anti-American propaganda both during the war and currently uses as a base race prejudice, we would go a long way in helping our international relations by enacting an anti-lynch law since lynching is an extreme manifestation of race prejudice. Jan 1-23-48

27 f (2)

WALTER WHITE TO TESTIFY ON ANTI-LYNCHING LEGISLATION

New York, Jan 29th--Walter White, secretary of the NAACP, will testify on proposed anti-lynching legislation before the sub-committee of the Senate Judiciary Committee, Monday, February 2nd. Hearings were being held on S. 42; S. 1465; and S. 1352, the NAACP supported Wagner-Morse Bill, last week but Senator James O. Eastland of Mississippi asked that the hearing be postponed until February 2nd. Other members of the sub-committee are: Senators Homer Ferguson of Michigan and Chapman Revercomb of W. Va.

In his testimony Mr. White cited the fact that although the number of lynchings had been sharply reduced the danger of lynching is ever-present as indicated by 31 narrowly averted ones in 1947. Lynchings have gone underground because of pressure of public opinion due to the 25 year campaign by the association for anti-lynching legislation. Continuing his testimony Mr. White warned the Senate that lynching is only one segment of over-all discrimination against Negroes and passing legislation for Federal aid to education and health or ending job dis-

to a surgeon cutting out
the rest to poison the body.

Press Service of The N A A C P. New York N.Y.

He further stated that the efforts of certain Republican and Democratic Senators to emasculate the anti-lynching bill would be vigilantly watched by Negroes and other minorities in their fight for full citizenship and that those interested in real democracy would only be satisfied with the passage of such legislation in its fullest and most equitable form. 27 f (2)

Anti-Lynching Law Fight

Senator James O. Eastland of Mississippi

He is right also when he told the Senate Judiciary committee that the present court would hold it constitutional and it may not be so under a federal anti-lynching law. The Greenville, lynching case is the demonstration that the members of the present system of state responsibility charges that the United States supreme court, as now constituted, "is not judicially honest and won't determine the law." The Record

mobs in the South, now much fewer than they were even a short time ago, "know they are not enforcing the law; they are violating the law." Anything, including a federal anti-lynching law, may even promote and encourage lynchings.

All that the Senator means is that the supreme court doesn't agree with his opinion of what the law is or should be. Certainly Senator Eastland doesn't mean that the court will not hand down a decision, which will be the law; it is the court's decisions, which are now the law, that he objects to. 27 f (2) Baltimore, Md.,

This much of an advance, and more, has been made by the South in eliminating lynchings. The Democratic habit of bringing up an anti-lynching bill in Congress every election year

lynchers and would-be lynchers no longer find themselves heroes. They are branded by Southerners as murderers and Southern officers seek them out and sometime arrest and try them.

The Mississippi Senator is right, of course, in his belief, that a federal anti-lynching law once would have been held to have been unconstitu-

There still remains work to be done in the South, as in every other section of the country. But progress is being made before the nation can say that it has rid itself of mob violence.

Southern Teamsters Demand Federal Anti-Lynching Law

The Worker - New York
27f(2)
Sun. 3-14-48

HOUSTON, Texas (FP).—Denouncing the revolt of the Southern Governors as "a national disgrace," the eighth convention of the Southern Conference of Teamsters (AFL) March 4 called for immediate passage of a federal anti-lynching law. The resolution attacking the Dixie Governors' opposition to President Truman's civil rights program was seconded loudly and passed by a large majority of the more than 100 delegates representing 100,000 teamsters in 12 southern states. Introduced by John Lunnin of Miami the resolution said:

"We find that the southern governors have taken the position that if lynching is made against the federal law, the south will withdraw from the Democratic Party. We go on record in denouncing the action of the southern governors as a betrayal of the Democratic Party and a national disgrce.

"We call upon the national Congress to immediately enact an anti-lynching law because the people of the south are against lynching and approve such a law. We call upon the President and the Congress to devise ways and means to procure more reasonable fair play for the Negro working man who is able to give a good day's work for a good day's pay. Sun. 3-14-48

"We proclaim to the world that the teamsters' union gives to the Negro working man a square deal and an opportunity to work up in his job by individual merit."

In another resolution the teamsters made plans to become politically articulate. They appointed a committee to direct action against all local, state and federal office-seekers who are anti-labor. Sun. 3-14-48

The conference concluded by electing Thomas E. Flynn, its permanent chairman. IBT International Rep. M. W. Miller nominated Flynn and recommended that he direct a political campaign in the south against labor's enemies—"the like of which the country has never seen."

Negro Asserts Threat Of Lynching Prevails; Asks U.S. Legislation

The Constitution
Atlanta, Ga.
Fri. 3-12-48

"The threat of lynching bears down upon every Negro in the South and the nation as a leaden weight," a Negro spokesman declared Thursday.

E. D. Nixon, Alabama president of the National Association for the Advancement of Colored People, took issue with Attorney General Albert A. Carmichael on whether a federal anti-lynch law is needed.

Carmichael said Tuesday such legislation is "wholly unnecessary" and would "increase rather than decrease lynchings." He added it "will greatly disturb the peaceful racial relations now existing in the South."

Nixon disputed each of Carmichael's statements. Fri.

"The peaceful racial relations mentioned by Attorney General Carmichael are non-existent to us who represent the 975,000 Negroes of whom he speaks," Nixon said in a prepared statement. 3-12-48

"He says anti-lynch legislation is unnecessary and there is no lynching problem in Alabama or anywhere in the South today," the Negro continued. "How can he make such a statement in the face of the Monroe, Ga., Greenville, S. C., Minden, La., lynchings . . . ? The Advocate

"As long as such crimes go unpunished, and as long as the Negro is denied the right to vote, first class education, and equal economic opportunity, the threat of lynching bears down upon every Negro in the South and the nation as a leaden weight, destroying his faintest hope of freedom and the pursuit of happiness." Birmingham, Ala.

GLADSTONE WILLIAMS

The Constitution
27f(2)

Behind the Antilynch Bill

Atlanta, Ga.

WASHINGTON—The political character of the agitation for a Federal anti-lynching law is best illustrated by the fact that it comes at the very time the Southern States have all but completed the job of wiping out the crime of lynching.

In the entire country last year only one lynching took place. To show the progress that has been made in putting down mob violence, in the single year of 1892, by contrast, a total of 255 persons met death at the hands of mobs taking the law unto themselves. Fri. 3-5-48

Despite this record, Congress is about to consider a bill to make the prevention of lynching a Federal responsibility. It must be apparent that the purposes back of the measure are entirely political.

It is a move that is designed, pure and simple, as an appeal to Negro voters of the East and Middle Western States. Regardless of the merits or demerits of the legislation, Congress would not be considering a bill of the kind under the circumstances except for an eye to Negro voters. Without political motives, laws to correct abuses of human rights are not passed when the abuses no longer exist.

Negroes have long made an issue of lynching, but lynching has by no means been confined to the colored race. In the year cited in which 255 persons were killed by illegal mobs 100 of the victims were white men. Back in the early days of the West lynching was the customary method of inflicting punishment on cattle rustlers and horse thieves. Fri.

There was a time, some years ago, when the use of Federal power against lynchers might have been justified by the failure of the states to preserve a more orderly execution of justice. Now that the states have mastered the problem to the extent they have, Federal intervention seems uncalled for. 3-5-48

The pending bill provides heavy penalties in the way of fines against the county or other governmental subdivision responsible for a lynching in its jurisdiction. Most informed persons are agreed that this provision will work to the detriment of the law's enforcement.

Having in mind the penalties to be imposed on their own people, most juries may be expected to give the benefit of doubt to those being prosecuted under the law in order to save the counties the heavy fines involved. A point to be borne in mind is that although the bill would transfer to the Federal courts the prosecution of lynchers, trials would still be held before local juries. The Constitution

Another factor is that resentment against Federal intervention would complicate rather than ease the problem of securing convictions.

Atlanta, Ga.

The whole scheme is nothing more than a vote-getting venture, inspired by the election campaign that lies ahead. In the face of the striking progress made by the Southern States in putting down lynching, nothing would be heard of the bill if this were not an election year. Fri.

Most of the Republican ardor for the legislation may be marked down to a desire to embarrass the Truman Administration by further-

Anti-Lynching Filibuster 27f(2)
Newsweek 3-8-48

Several Western Republicans will balk at voting to shut off the anticipated Southern filibuster against an anti-lynching bill in the Senate. "The filibuster has been used to protect the regional interests of the West on occasion," they explain, "and may have to be used again." Much as these Republicans want to keep the Southern revolt boiling, they may decide in the end to let the Southerners win this round rather than set a precedent for cloture. The last move to break a filibuster back in 1946 failed of the necessary two-thirds majority, when seven Republicans joined with the Southerners in voting against cloture. Daytona Beach

Tax-Bill Outlook

Against Anti-Lynching Bill

27f(2)

Reasons Are Stated for Belief That Enactment Would Be a Mistake

N.Y. Times

To the Editor of The New York Times:

This letter is written in the conviction that the enactment by the Congress of the present anti-lynching bill would be a grave mistake. It is addressed to a newspaper which circulates principally in a section where leading public opinion seems to favor the bill. It is submitted by one who comes of several generations of New England ancestry, was reared and educated near New York City and who long believed that the Federal Government should assume the duty of punishing lynchers, but who after many years of residence in the border city of Washington has come to the contrary conclusion. N.Y. N.Y.

The argument for enactment chiefly pressed by the friends of this measure is that state courts frequently fail to punish lynchers. But this affords no justification for the bill unless it appears that the likelihood of convictions would be greater in federal than in state courts. Mon. 3-22-48

Anyone who has given attention to the trials of lynchers in Southern states will recall that defense lawyers have made the utmost of any aid given by federal agents, as Northern interference. The committee also reports effectiveness toward acquittals. The situation is notorious and the report of President Truman's Civil Rights Committee, prominent supporter of the bill, says that "grand and trial juries again and again have shown a sensitivity" to the cry of federal interference. The committee also reports that in lynching cases in state courts witnesses often profess loss of memory and jurors fail to indict and convict.

Northern Interference

The chance for conviction evidently diminishes according to the interest and part taken in a lynching case by the federal agents. As a result of the War Between the States and the disreputable "carpetbag" period the cry of "Northern interference" is unquestionably very potent with Southern juries. This bill if enacted will immensely enhance the power of this cry whenever prosecutions under it are conducted in federal courts. It would afford new emphasis to all the old appeals to pride, prejudice and passion.

Certainly no one will have forgotten what the Prohibition Amendment—the Volstead Act—the complete unwillingness of juries to convict and the final necessity to repeal did to genuine temperance reform. Yet no part of the country showed anything like the prospective antipathy to the Volstead Act which the South over many years has shown, and now shows, to the federal anti-lynching bill. The Eighteenth Amendment failed for lack of local jury support. The nation is on notice that Southern juries will not enforce such a statute as is now under consideration. Sun. 3-22-48 The Jury System

So long as the Constitution retains the unanimous jury as a prerequisite for conviction of crime, our ideals, as reflected in penal statutes, cannot successfully go much faster or farther than the sentiment and conscience of jurors will follow. Such is democratic life. Progress may be slower that way, but it is surer.

The enormity of the crime of lynching is not in issue. The writer agrees with everything he has seen from friends of the bill as to the foulness of the crime and its destructive effects at home and upon American influence in other lands. But these arguments do not serve to support every remedial measure that may be urged. They make it more incumbent upon us to make sure that the means actually tend toward the ends sought.

Full publicity to every lynching, education of public thinking, appeals to sectional and local pride and patriotism take time, but they are more effective than recourse to a central government, which likewise can get results only through resentful local juries. Present methods are working. The South has been making real progress. The Tuskegee Institute reports a substantial lessening in lynchings in recent years. Several states have had none for years and are proud of their records. If it be true that this bill would be unenforceable, its passage would bring these national evils:

To the Negroes it would "keep the word of promise" to the ear and break it to the hope. Their disappointment would be more cruel than from an omission to pass the bill.

It would give the Ku Klux Klan more of an issue and more members than it has had for years and would weaken its Southern foes.

It would make race relations immensely more difficult.

It would tend to postpone the day when the South will contribute still more largely to the political welfare of the country by returning to the American two-party system.

It would embitter intersectional feeling at a time when critical domestic issues and still more critical foreign relations necessitate close national unity as never before.

It would constitute a substantial retreat from the fundamental concept and practice of our representative institutions, namely, political health and training through local responsibility and self-government.

It is earnestly hoped that the advocates of this measure will reconsider their position. EUGENE W. BURR.

Washington, March 9, 1948.

House Subcommittee Backs Bill To Make Lynching a Federal Crime

Special to THE NEW YORK TIMES.

WASHINGTON, Feb. 25—A House Judiciary subcommittee approved today a bill to make lynching a Federal crime. The vote was 4 to 2. The measure was sponsored by Representative Clifford P. Case of New Jersey. It contains some provisions of a similar bill by Representative Kenneth B. Keating, Republican, of New York.

With Speaker Joseph W. Martin Jr. publicly committed to House action this session, the main question is whether after the full committee reports scheduling will be postponed until final action on the tax reduction bill to avoid the risk of angering Southerners whose votes are desired to help override a possible veto of tax cuts.

House passage of the anti-lynching bill is believed certain, but a filibuster is likely in the Senate. Policy makers there have already decided to defer action on the anti-lynch proposal and others contained in President Truman's civil rights message until disposal of the tax bill and the European Recovery Program.

Coincident with the House subcommittee's action, Congressional leaders of the Southern revolt announced that seventy-four House Democrats had signed a pledge to "oppose to the finish" the President's recommendations on lynching, poll taxes and racial segregation.

Representative Tom Murray, Democrat, of Tennessee, made a speech today in which he condemned the report of President Truman's civil rights committee and said:

"I now call upon the chairman of this committee, Mr. Charles E. Wilson, to tell the public who prepared or drafted this report. I know that he did not prepare the report, and I do not believe that any member of the committee prepared the report."

He also wanted to know whether "any real American," or especially "any true Southerner," had been invited to appear before the committee in opposition.

In today's subcommittee tests on the Case bill, the only southern Democratic member, Representative Fadjo Cravenss of Arkansas, was joined by a Maine Republican, Representative Frank Fellows, in opposing the measure.

"In my opinion," Mr. Fellows told reporters, "the bill is ill-advised, ill-drawn and clearly a violation of the Constitution of the United States in that it would be a flagrant invasion of the rights and obligations of the individual states."

Two Republicans and two Democrats voted for the measure. They were its author, Mr. Case, and Representative Edward J. Devitt of Minnesota, Republicans, and Representatives William T. Byrne of New York and Michael A. Feighan of Ohio.

Radar was one of the top-drawer secrets of the war. However, the science of Radar is taught at one of the many Army-operated schools. The training is yours for an enlistment in the new Regular Army. See the Army recruiting officer at 39 Whitehall Street.

Anti-Lynch Bill Rapped by Cook

Opposing Federal anti-lynch legislation, Atty. Gen. Eugene Cook Thursday objected to the State itself being penalized for a crime for which it would punish the offenders if it could find them.

He told Emory University law students the Federal Government, which would usurp State duties under the proposed anti-lynch bill, was as ineffective as the State Government in dealing with lynchings. Citizens of Walton County might have been fined $40,000 for failing to prevent the slaying of four Negroes. Yet, Cook noted that the Federal Government, with all its powers, had been ineffective in clearing up that case.

The Attorney General said the eral Government to take over legislation would permit the Fed- State police powers and to prosecute any private citizen for failing to prevent mob action since any citizen of Georgia had authority to apprehend any person seen committing a felony.

Cook said Georgia already had laws requiring police to prevent lynchings. Federal laws could do no more.

Anti-Lynch Law Takes Another Step

House Sub-Committee Okehs It In The Face Of Growing Rebellion

Finish Fight Set

74 Democrats Sign Oath To Battle Civil Rights Proposals Of Truman

WASHINGTON, Feb. 25.—(AP)—A federal anti-lynching law was approved by a House judiciary sobcommittee Wednesday in the face of growing Southern Democratic revolt against this and other civil rights proposals of President Truman.

Seventy-four House Democrats, it was disclosed, now have pledged themselves to a finish fight against Mr. Truman's anti-lynching, anti- "Jim Crow" and other recommendations involving states' rights and race relations in the South.

Now striving openly to prevent Mr. Truman's nomination for a full term in the White House, "rebel" leaders focused their attention on Richmond, onetime capital of the Conderacy, where Gov. Tuck plans a special message to the Virginia general assembly Thursday.

They consider it certain Tuck would call for state action against the Truman program. And there were indications he would propose that the name of the democratic presidential candidate be left off the Virginia ballot next November.

This would mean that Virginia's 11 electoral votes would not have to be cast for Mr. Truman if he is nominated by the Democratic National Convention next July. A similar half-sucession threat is being considered in other Southern states.

Three to Two Vote

An anti-lynch law, introduced by Rep. Case (R) New Jersey, was approved by an unofficially reported three to two vote. Rep. Cravens (D) Arkansas, said he voted against it. The other subcommittee members, one of whom presumably did not vote, are Reps. Case, Fellows, (R) Maine, Devitt (R) Minn., Byrne (D) New York, Feighan (D) Ohio.

The measure now goes to the full judiciary committee, scheduled to meet Thursday. This committee could send it to the House floor for an early vote. Of the 26 committee members, six are Democrats from the South.

The bill is similar to others which have been passed by the House but "talked down" in the Senate. It would permit the federal government to prosecute persons accused of taking part in a lynching or law officers charged with failing to do all they could to prevent a lynching.

Those accused could be tried in federal courts far from the scene of the lynching. Jail sentences up to 10 years and fines up to $20,000 could be imposed. And lynch victims—or their survivors—could be awarded damages up to $10,000 from the city or county where the violence occurred, if there was an negligence by police.

Negro Spokesman Urges Anti-Lynch Law

MONTGOMERY, Ala., March 12—(AP)—A federal anti-lynch law is needed in view of mob violence in the past, says E. D. Nixon, Montgomery Negro spokesman.

Nixon, president of the Alabama Branch of the National Association for the Advancement of Colored People, yesterday disputed Atty. Gen. Albert A. Carmichael's recent statement that such legislation is "wholly unnecessary."

"He says anti-lynch legislation is unnecessary and there is no lynching problem in Alabama or the South today," the N. A. A. C. P. spokesman declared. "How can he make such a statement in the face of the Mohroe, Ga.; Greenville, S. C.; Minden, La., lynchings . . . ?

"As long as such crimes go unpunished, and as long as the Negro is denied the right to vote, first-class education and equal economic opportunity, the threat of lynching bears down upon every Negro in the South and the nation as a leaden weight, destroying his faintest hope of freedom and the pursuit of happiness."

The attorney general also contended a federal anti-lynch law would "increase rather than decrease lynchings" and "will greatly disturb the peaceful racial relations now existing in the South."

President Truman recommended the anti-lynch bill in his message to Congress on civil rights.

Records at Tuskegee Institute going back to 1882 show that there has been at least one lynching every year in the United States since that date.

7752

ANTI-LYNCHING BILL MAY BE GOP 'FIRST'

(27-(2) The Times

Bypassed in Adjournment, It May Be Key Move on Civil Rights in Next Congress

New York, N.Y.

By WILLIAM S. WHITE

Special to THE NEW YORK TIMES.

WASHINGTON, June 29—The vehicle for the first major Republican thrust in the next Congress—to back the party's 1948 platform civil rights pledges—probably will be the compromise anti-lynching bill that died in the Senate adjournment nine days ago. Wed.

That measure, it was learned today, will be reintroduced by Senate Republican leaders when the 81st Congress opens next January.

Its principal sponsor, Senator Homer Ferguson, Republican of Michigan, intends to offer it with the softening amendments he had to accept in order to get it approved in the Senate Judiciary Committee a few weeks ago. This plan assumes the re-election of Mr. Ferguson this fall. Even if he should fail of re-election it will be taken up by others. 6-30-48

The measure to be submitted by Senator Ferguson then would be sent to the Department of Justice for the comments of an Attorney General, who Mr. Ferguson and his associates assume, would be a member of a new administration headed by Thomas E. Dewey. If the administration remains Democratic, the bill would go in just the same, but with no latter consultation with that administration.

Mr. Ferguson's objective in accepting a milder bill than he had wanted was one of time-saving. He intended, he said, to avoid any prolonged discussion in the Judiciary Committee, which in the session just ended had the anti-lynching measure on the calendar for more than three months before it was altered materially enough to command a majority vote. That vote ultimately was 10 to 3.

Such a committee clearance could put the measure to the floor so early in the session as to make it next to impossible for the Southern opposition to filibuster it successfully. In the Congress just ended, the bill reached the calendar so late that the threat of a filibuster was enough to finish it.

Senator Ferguson's decision to go forward with limited objectives was seen here as substantially assuring that the revived compromise bill would be the first to meet the test of the new Congress.

In the first place, the Senate has always been the real key to the position, because its complete freedom of debate so formidably arms the Southerners.

In the second place, House Republicans in the last Congress put through a poll tax repealer, and they feel the Senate should take the initiative in the so-called civil rights program.

The Ferguson anti-lynching bill dropped the two sharpest sanctions of its Senate and House prototypes. One would have made liable to fines the community or county in which a lynching occurred. The other would have made lynching in itself a punishable Federal crime. The Times

The compromise measure would not act against lynchers as such, but would provide penalties of twenty years imprisonment and $10,000 fines for all concerned where a conspiracy between the actual participants and local officers could be shown. Wed.

Apart from this, it would set up penalties of five years imprisonment and $10,000 fines for peace officers who "wilfully failed or refused" to try to avert lynchings. Federal officials who refused or neglected to prosecute would suffer the same penalties. 6-22-48

The victims of lynchings or their next of kin could sue in Federal court for damages from the participants. New York, N.Y.

Lynch Bill Eased

The Washington

WASHINGTON, June 11—(AP)—Sen. Eastland, Democrat, Mississippi, reported Friday that the "most objectionable section" of an anti-lynch bill was knocked out by the Senate Judiciary Committee. He told a reporter that proposed penalties against any state, county or community where a lynching occurred were removed. 6-12-48

Anti-Lynching Bill Cleared to Senate

The Post

Washington, D.C.

One of the measures in President Truman's civil rights program—an antilynching bill—was cleared yesterday for a possible Senate vote but imminent adjournment made chances of passage slim. Tues.

Southern Democrats have vowed they will attempt to talk to death any such legislation.

The Judiciary Committee toned down the bill it finally approved, but Senator Eastland, (D., Miss.) left no doubt it is still objectionable to him. 6-15-48

"I am going to fight it till hell freezes over," he said.

Languishing for Months

Eastland is a member of the committee, which voted 10 to 3 to send the measure on to the Senate calendar. It will join other civil rights bills—antipoll tax and fair employment measures — which have been languishing there for months.

The Republican policy committee has tabbed the antilynching bill as the easiest of the three to pass, and has kept it on its list of "desirable" legislation. But no time for debate has ever been allocated.

Senator Ferguson (R., Mich.), principal author of the bill, declined to predict whether the Senate will act. He noted only that the GOP leadership has kept the measure on its priority list.

Would Be Federal Felons

The bill would make conspiracy between members of a lynch mob and officials of Federal, State or local governments "to commit, instigate, incite, organize, aid abet" a lynching a Federal fel

Conviction would carry a pur ment of up to $10,000 fine and to 20 years in prison, or both.

In addition, the bill would authorize civil suits for unlimited damages by persons injured in a lynching or attempted lynching and by the next of kin of anyone killed. Washington, D.C.

Ferguson told reporters the bill is the strongest that could be approved by the committee, although "I am not satisfied with it." 6-15-48

Would Remake Anti-Lynching Into Anti-Mob Bill

Some Republicans are thinking about converting the anti-lynching bill into a measure that not even the Northern Democrats would support. 27-(2)

And this is the first sign of Republican intelligence that has come to The Record's attention since President Truman came forth with his idea that the Congress, controlled by the Republicans, might be reassembled for the purposes of the Democratic party campaign. It was a dangerous idea, coming just at this time when international affairs are very near the breaking point to convene the Congress in a display of division and misunderstanding. But apparently Truman must always be the bungler. It's the only thing he has a real genius for. Columbus, S. C.

The anti-lynching bill is ready for action in the Senate. The plan now is to extend the definition of lynching to include mob violence directed at persons attempting to cross picket lines in order to get to their work. This would expand the definition of civil rights, also to embrace the right of white men as well as Negroes to work if they want to work.

"It doesn't make much difference whether a person is clubbed by Southern lynchers or by Northern mobs," one of the Republican leaders is quoted. "Civil rights have been violated in each instance." Mon.

To include this in the bill would, of course, put the Trumanites on the spot. They are not so much opposed to mob action as in favor of Negro votes. The anti-lynching bill as drafted is aimed not at lynching, which has practically disappeared, and which would be encouraged by its passage, not discouraged, but at the Negro and liberal vote in the Northern cities. To translate the bill into a real anti-mob bill by including the picket line mobs, which are many, as well as the lynch mobs, which last year was one, would set up such a howl that the Southern Democrats might even forget their states rights and vote for it, just to watch the pseudo-liberals squirm in the fire they had prepared for the South. 7-2-48

It is a good idea, perhaps too good. The Record doesn't expect the Republican leaders of Congress to adopt it. Record

Mississippi Solon Flays Anti-Lynch Bill Before Senate Judiciary Group

The Advertiser

Montgomery, Ala.

WASHINGTON — (AP) — Enactment of an anti-lynch bill would be an encroachment on states' rights and unconstitutional, Senator Eastland (D), Mississippi, told the Senate judiciary committee Thursday. 27-(2)

The committee, of which Eastland is a member, considered pending anti-lynch legislation in a closed session. Tue.

He told a reporter later, however, he had argued constitutionality of the bill and had told the committee that Congress has "no right to enact it." 6-30-48

At a meeting of the committee next Monday, he said, he will argue for adoption of several amendments he has proposed.

The bill sets up penalties for law enforcement officers in communities where lynchings occur and provides for payments to victims of lynchings.

Eastland proposes to extend the bill and make it apply similarly to slayings in any mob violence, including labor riots.

He has said that if the committee rejects the amendments, he will debate them at length on the Senate floor.

Eastland said he does not know when the committee will act on the anti-lynch bill, which Republican leaders have said will be called up for Senate action.

Southern Demos Put In Dilemma, Abandon Threat

Anti-Lynching Amendment Offered By Sen. Langer

WASHINGTON, D. C.—(NNPA)—Southern Democrats were put in the dilemma Tuesday, June 15, of accepting anti-lynching legislation or abandoning their fight to repeal the Federal tax on oleomargarine.

They chose to do the latter when Senator William Langer, Republican, of North Dakota, an opponent of the oleomargarine bill, offered the anti-lynching bill, recently reported by the Senate Judiciary Committee, as a rider to the bill to repeal the oleomargarine tax.

During the call of the calendar for passage of bills without opposition, several Senators objected to consideration of the oleomargarine bill. That brought Senator J. William Fulbright, Democrat, of Arkansas, to his feet. He said it was disgraceful that a vote could not be obtained on the bill and threatened to offer the measure as an amendment to the bill for providing a long range program for Federal price supports on farm products.

AMENDMENT OFFERED

After adoption of a motion that the Senate immediately take up the oleomargarine bill, Senator Langer offered the anti-lynching bill as an amendment.

Under the rules, the call of the calendar ended at 1 o'clock. While the Southerners were stalling to prevent a vote on the Langer amendment, Senator Alexander Wiley, Republican, of Wisconsin, another opponent of the oleomargarine bill, got the floor and talked until 1 o'clock.

By Senator Wiley using up the 40 minutes before 1 o'clock, Southern Democrats were spared the embarrassment of filibustering against their own bill to prevent the adoption of the antilynching bill.

The Southerners did not carry out their threat to offer the oleomargarine bill as an amendment to the long-range farm program bill, which the Senate passed last Thursday by a vote of 79 to 8.

Debate on U. S. Lynching Bills Grows Hotter

(By Pittsburgh Courier Press Service)

WASHINGTON—A debate on the constitutionality of anti-lynching bills was scheduled to be conducted by the Senate judiciary subcommittee holding hearings on three Senate bills on Tuesday of this week.

Scheduled as witnesses at this session were Osmond Frankel, noted New York constitutional lawyer, and Walter White, NAACP executive secretary, who supported the bill, and Senator James O. Eastland (D., Miss.), Representative John Rankin (D., Miss.), and the attorneys general of Virginia and Mississippi.

Senator Homer Ferguson, chairman of the three-man subcommittee, invited Chales H. Houston, who has already testified in these hearings, to be presented for this debate, since his testimony examined, in great detail, the constitutional questions.

Primarily contesting the constitutionality of the bill is Senator James O. Eastland (D., Miss.,) member of the subcommittee.

Mr. Houston asked for extension of the Lindbergh kidnapping act to cover lynchings and protested that lynching violates our treaty responsibilities under the United Nations Charter.

The third member of the subcommittee is Senator Chapman Revercomb (R., W. Va.). The committee is conducting hearings on three bills, S-42 by Senator Albert Hawkes (R., N. J.), S-1465 by Senator William Knowland (R., Calif), and the Morse bill. The Hawkes and Knowland bills are considered weaker and less effective than the Morse bill, which is backed by the NAACP.

The Morse-Wagner bill provides that members of a lynch mob can be punished by maximum imprisonment of twenty years or maximum fine of $10,000 or both; that dereliction on the part of State officers may be punishable by maximum imprisonment of five years and a maximum fine of $5,000 or both, and that every Governmental subdivision of the State, which wilfully or negligently permits an individual to be seized or harmed in any way be liable to the victim, if he lives, or to his family for from $2,000 to $10,000 in civil action.

To come under the protection of this bill, a victim need not be killed. He may collect if he is injured in any way.

WASHINGTON — Senator James O. Eastland (D., Miss.) declared that he doubted the "judicial honesty" of the Supreme Court during the course of hearings on the Senate anti-lynching bill here Wednesday.

Senator Eastland, a member of the three-man sub-committee of the Senate Judiciary Committee holding hearings, said, "Those who are bringing these cases before the Supreme Court are relying on a belief that the majority of our Supreme Court, as now constituted, is not judicially honest."

Antilynch Bill Teeth Taken Out

WASHINGTON —(AP)— Senator Eastland (D., Miss.) reported that the "most objectionable section" of an antilynch bill was knocked out Friday by the Senate Judiciary Committee.

He told a reporter that proposed penalties against any state, county or community where a lynching occurred were removed.

A final committee vote on the controversial measure was delayed until Monday after two lengthy closed-door sessions failed to produce a vote.

SENATOR LANGER (R., N.D.), acting chairman, confirmed Eastland's report that the bill had been modified considerably.

One Southern senator, who asked that his name not be used, said the "bill now is so watered down it is not very objectionable."

Chairman Wiley (R., Wis.) of the Judiciary Committee left the session early to fly to his home state of Wisconsin but will return Monday in time for the committee showdown.

* * *

REPUBLICAN LEADERS have indicated the anti-lynching bill might be called up for action at this session as a civil rights measure.

Southern senators had promised a filibuster if this or any similar measure is brought up in the Senate.

Senators said the committee vote striking out the section was close.

The section would have made any governmental subdivision "responsible for any lynching which follows upon the seizure and abduction of the victim within its territorial jurisdiction."

* * *

STILL TENTATIVELY in the bill are these provisions:

Making it illegal for members of a lynch mob to conspire with Federal or State officers with a penalty of 20 years and $10,000 fine.

Punishment of five years and $5,000 for State and Federal officers who failed to take "reasonable efforts" to halt a lynching.

A requirement that the Attorney General of the United States or his representative shall investigate and prosecute Federal or State officials who fail to halt lynchings.

A provision that lynch victims, or their next of kin if they are killed, may sue members of the lynch mob for $2,000 to $10,000 civil damages.

Numerous other sections remain to be acted upon.

Justice Department Opinions Conflict Of Various Sections

Certain Sections Of Bill Singled Out As Of Dubious Constitutionality

WASHINGTON, D. C.—(NNPA)—Two conflicting opinions on the constitutionality of provisions in the Hawkes and Morse-Wagner anti-lynching bills have been submitted by the Justice Department to the Senate Judiciary subcommittee which is holding hearings on these measures.

Both opinions were signed by Douglas W. McGregor, the assistant to the Attorney General, the third ranking officer in the Justice Department.

In his letter of May 26 last, addressed to Senator Alexander Wiley, of Wisconsin, chairman of the judiciary committee, Mr. McGregor said the purpose of the Hawkes bill, insofar as the criminal aspects were concerned, would appear to be served in part by existing legislation—the civil rights statutes

CONSIDERABLE DOUBT

Mr. McGregor added that there was considerable doubt as to the constitutionality of the provision making governmental subdivisions civilly liable for any lynching occurring within its boundaries.

"It has been held that the prevention of crime and the enforcement of criminal law are functions of the state rather than of any subdivision thereof," Mr. McGregor said, "and while appointment of police officers is usually delegated to municipal corporations, the officers so appointed are public officers whose duties are defined by law, and they serve the people of the whole state rather than the municipality which appoints them."

He added that the right of an individual to sue a state can come only from consent of the state and not from the Constitution or laws of the United States.

PROVISIONS APPEAR VALID

In a letter of August 6, last, addressed to Senator Wiley, Mr. McGregor said similar provisions in the Morse-Wagner bill "would appear to be a valid exercise of the powers of Congress under the Fourteenth Amendment."

He said these provisions were designed "to secure the enforcement of the obligation of the states under the amendment to afford all persons the equal protection of the laws and protection against the deprivation of life, liberty or property without due process of law."

Mr. McGregor, however, questioned the validity of section 5 of the Morse-Wagner bill, which would make any person, whether or not a member of a lynch mob who willfully instigates, incites, organizes, aids, abets, or commits a lynching, and any member of a lynch mob, guilty of a felony and upon conviction subject to a fine of not more than $10,000 or imprisonment for not more than twenty years, or to both such fine and imprisonment.

FOURTEENTH AMENDMENT

"An unbroken line of decisions beginning in the early years of the Fourteenth Amendment have held that such amendment relates to and is a limitation or prohibition upon the states and not upon acts of private individuals," Mr. McGregor said.

It is the section attempting to make lynching by pricate individuals a federal offense, particularly, which Senator Morse and representatives of the National Association for the Advancement of Colored People contend that the Morse-Wagner bill is preferable to the Hawkes bill or the one introduced by Senator William F. Knowland, Republican of California.

7753

U. S. Anti-Lynching Bill Needless—Carmichael

27-f-(2)
Birmingham News
Ala.

MONTGOMERY, Ala., March 10—Atty. Gen. Albert A. Carmichael blasted anti-lynching legislation now before Congress as "inequitous and unconstitutional" and "wholly unnecessary."

"This is just another unwarranted effort by the federal authorities to encroach upon the rights of the sovereign states of the Union in an effort to appease minority elements," Carmichael has wired Alabama Sens. Lister Hill and John Sparkman.

The attorney general predicted passage of such legislation would "increase rather than decrease lynchings and will greatly disturb peaceful racial relations now existing in the South."

A candidate for delegate to the Democratic National Convention, Carmichael said he would announce his views on President Truman's candidacy later. The president proposed an anti-lynching measure in his civil rights recommendations.

Carmichael asked Hill and Sparkman to arrange for him to testify against the bill when it is heard before a Senate committee.

"Such legislation is wholly unnecessary," he said. "As there is no lynching problem in Alabama or anywhere else in the South today."

Coast Experiment Station near here, show little of any damage from recent cold spells, Director Otto Brown said.

Temperatures ranging as low as 13 degrees above zero has been experienced here this Winter.

Satsumas are a sweet citrus fruit, resembling tangerines.

No special effort was made to protect the trees during the cold weather, except that dirt was banked around their bases, Brown declared.

Anti-Lynching Bill Approved By 18-8 Vote of House Group

New York, N. Y. Mid. 3-3-48

Special to THE NEW YORK TIMES.

WASHINGTON, March 2—The anti-lynching bill was approved today, 18 to 8, by the House Judiciary Committee over fresh cries of protest from Southern Democrats. As this second item on President Truman's "civil rights" agenda was thus being moved along toward foreordained passage by the House itself, the most politically threatening speech against Mr. Truman yet delivered by a Southerner was being uttered on the floor.

Representative L. Mendel Rivers of South Carolina, shouting that the bill itself would "lynch the Constitution," cried out to the Republican members of the House:

"In your attempts to embarrass Truman you are losing your first real chance since the War Between the States to make friends with the South.

"You are shooting at the wrong bird. Truman already is a dead bird. We'll see to that in the South."

The Times

By coincidence, the executive committee representing a caucus of seventy-four Southern Democrats in revolt against Mr. Truman held a long secret conference.

While the conferees were cryptically uninformative as to what had gone on, it was reported that there had been discussion of ways to encourage rebellious "grass root" mass meetings in the South.

Twelve states are represented on the executive committee, although it speaks in only a few cases for the full delegations in the House of these states.

New York, N.Y.

The anti-lynching bill emerged from the Judiciary Committee precisely on the schedule laid down by the Republican House leadership. Next week the Rules Committee will be formally requested to give parliamentary clearance and the measure shortly afterward will go to the floor, probably within another week or so.

Wed 3-3-48

The bill's six Southern opponents in the Judiciary Committee were joined by two Republicans, Representatives John W. Gwynne of Iowa and Frank Fellows of Maine. Both were understood to have argued that the approach was an unwise one.

27f(2)

Even among the eighteen members favoring the bill some held misgivings at what they described as an imminent departure from some of the oldest traditions of Anglo-Saxon law.

One of these, Representative Francis E. Walter, Democrat, of Pennsylvania, declared the measure would have the effect of striking hard at one protection dating from Magna Carta to defendants in criminal actions.

He referred to the fact that the bill would create a new offense in lynching, whereas it is now prosecuted locally as the crime of murder, and thus would deny a suspect the ancient right to be tried in his own community.

The effect would be that Federal prosecutors, in states containing only a single Federal judicial district, could try a suspect far from his home, so long as it was in the same state, and select to judge him a jury drawn from a statewide panel.

The Times

"Lynching" would be defined as violence, or an "attempt" at violence, upon any person "because of his race, creed or color, national origin, ancestry, language or religion."

New York, NY

Any participation in or "abetting" of such an offense would be subject to maximum punishment of twenty years' imprisonment and $10,000 fine.

Wed 3-3-48

Any local peace officer found to have been negligent in beating off a mob, or any local prosecutor not making "diligent" efforts to prosecute, could be fined $5,000 and imprisoned for five years.

Finally, the community in which a lynching occurred could be forced to pay to a victim of lynching or his family a minimum of $2,000 and a maximum of $10,000.

The day brought also further action in the Senate on the civil rights issue. Seven members of the Senate Labor Committee filed a formal report supporting a bill, already approved in committee, to set up a permanent fair employment practices commission.

Anti-Lynch Bill Passes Senate Unit

27f(2)

WASHINGTON, June 14—(AP)—The Senate Judiciary committee today approved 10 to 3, a bill to make lynching a federal crime. A Southern opponent promptly promised to "fight it to the bitter end."

The bill, conceded only a remote chance of Senate passage during the closing week of this session, would provide criminal and civil penalties against members of a lynch mob.

Columbia, S.C.

Senator Ferguson (R-Mich.), chief committee backer of the legislation, still held out a hope for time on the jammed Senate schedule to consider it. Southern Democrats have promised to try to talk to death any civil rights legislation.

Mon. 6-14-48

The Republican policy committee has placed the bill high on its priority list without actually assigning it any time.

Voting against the measure at a nearly three-hour closed committee session were Senators Moore (R-Okla.), Eastland (D-Mass.) and Fulbright (D-Ark.).

Favoring it were Chairman Wiley (R-Wis.), who announced the results, and Senators Lanfer (R-N.D.), Revercomb (R-W. Va.), Donnell (R-Mo.), Cooper (R-Ky.), Ferguson, McCarran (D-Nev), McGrath (D-R.I.), Kilgore (D-W. Va.), and Magnuson (D-Wash.)

Eastland said he will try to defeat it with every means at his disposal.

"The statement is made that what is in the bill is already in the law," he told reporters. "If that be true, then the bill is an attempt to humiliate the Southern states.

"I am going to fight it till hell freezes over."

Thurs. 6-14-48

Anti-Lynch Bill Section Removed

27f(2)

(The Associated Press)

Washington, June 11.—Senator Eastland, D., Miss., reported today that the "most objectionable section" of an anti-lynch bill was knocked out today by the Senate judiciary committee.

He told a reporter that proposed penalties against any state, county or community where a lynching occurred were removed.

A final committee vote on the controversial measure was delayed until 10 a. m. EST Monday after two lengthy closed door sessions failed to produce a vote to-

day.

New Orleans, La.

Senator Langer, R., N. D., acting chairman, confirmed Eastland's report that the bill had been "modified considerably today."

Sat. 6-12-48

One Southern senator, who asked that his name not be used, said the "bill now is so watered down it is not very objectionable."

ANTI-LYNCH BILL GETS MORE SUPPORT

27f(2)

Senate Judiciary Subgroup Backs Federal Penalties, Modifies House Version

New York, N.Y.

By WILLIAM S. WHITE

Special to THE NEW YORK TIMES.

WASHINGTON, April 21—The anti-lynching bill, which had just been put on the "must" list for this session by the Senate's Republican leaders, was recommended today by a judiciary subcommittee. The vote was 2 to 1.

Thurs

This represented a quick step forward in the leaders' plan, which was announced only yesterday, to give to this item in President Truman's bitterly contested "civil rights" program an urgency on the calendar matched only by the military preparedness and displaced persons legislation.

4-22-48

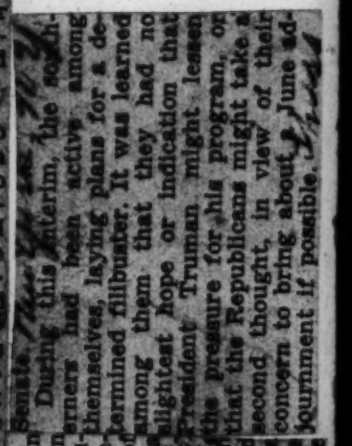
The subcommittee, which was headed by Senator Homer Ferguson, Republican of Michigan, took the anti-lynching measure before the full judiciary committee in a late-afternoon meeting. Its approval soon by the parent body, but by a narrow margin, was clearly forecast. This probably will come next week.

The effect was again to stir the anger and resistance of Southern Democrats, who have pledged themselves to fight on to the end against this and the other "civil rights" bills proposed by the President and generally supported alike by the Republicans and Northern Democrats.

The Ferguson bill would make subject to criminal prosecution not only county and municipal officials, but Federal officials as well, for failure to halt a lynching or to prosecute effectively the participants in one.

These penalties, for negligence, could run as high as $10,000 in fines and five years' imprisonment. Localities in which a lynching occurred would be subject to penalties in the form of fines.

Apart from these sanctions, however, the Senate bill would not be so far-reaching as one already on the agenda for House action. Unlike the House version, it would not define as a "lynching" such incidents as an assault by "two or



Lynch Bill Gain Stirs Russell

The Constitution
Atlanta, Ga.
27(2)
Sat. 4-10-48

By ELEANOR NANCE
Constitution Washington Bureau

WASHINGTON, April 9 — Sen. Russell, Democrat, Georgia, declared Friday Southern Senators would fight the anti-lynching bill "with every weapon in our arsenal."

The Georgian's comment followed announcement by a Republican caucus that the anti-lynching bill would be brought to the senate floor after bills for national defense have been considered. Although Russell did not predict when this would be, the defense bills are expected to be taken up within the month.

Describing the anti-lynching bill as "vote bait," Russell said it was aimed to catch the votes of radical groups outside the South. He added that Southern senators "would resort to every legitimate parliamentary procedure to defeat this measure." The Constitution

"If we can get time to discuss it thoroughly on the floor, I believe the sense of fair play of the American people outside the South will be so shocked they will demand withdrawal of the anti lynching bill." Russell said.

He pointed out that this particular bill would punish innocent people as well as the guilty in a county where a lynching might occur. He compared this with the action of the Germans when they obliterated Lidice in Czechoslovakia in reprisal for a crime committed by one person. Russell also pointed out that only one lynching occurred in the South last year while gang killings took place all over the nation. Atlanta, Ga.

"This bill is like sending a fire department to extinguish a match in the Southern part of a town," Russell said, "while other sections of the town are going up in flames." Sat. 4-10-48

Antilynch Bill Watered Dow Suits Eastland

The Courier-Journal
Louisville, Ky.
Sat. 6-12-48

Washington, June 11 (AP) — Senator Eastland D., Miss.) reported today that the "most objectionable section" of an anti-lynch bill was knocked out today by the Senate Judiciary Committee.

He told a reporter that proposed penalties against any state, county, or community where a lynching occurred were removed.

A final committee vote on the controversial measure was delayed until 10 a.m. Monday after two lengthy closed-door sessions failed to produce a vote today.

Senator Langer (R., N. D.), acting chairman, confirmed Eastland's report that the bill had been "modified considerably today."

One Southern senator, who asked that his name not be used, said the "bil now is so watered down it is not very objectionable."

Vote Reported Close.

The Courier-Journal
Louisville, Ky.

Chairman Wiley (R., Wis.) of the Judiciary Committee was forced to leave the session early to fly to his home state of Wisconsin, but will return Monday in time for the committee showdown.

Senators said the committee vote today striking out the section was close. Sat. 6-12-48

The section would have made any Governmental subdivision "responsible for any lynching which follows upon the seizure and abduction of the victim within its territorial jurisdiction."

Failure to prevent it could have brought a fine of $2,000 to $10,000 against the town, city, county, or state responsible.

A defense against this fine would have been proof that officers and citizens tried to halt the lynching or did not know it was to take place.

JAY G. HAYDEN

The Constitution
27(2)

Quibbling Stymies Anti-Lynching Bill

Atlanta, Ga. Fri. 5-21-48

WASHINGTON—A three-pronged filibuster appears very close to defeating the Republican plan to pass an anti-lynching bill before the Presidential nominating conventions. Two Southern Democratic members of the Judiciary Committee, which has this legislation in hand, are being aided in their opposition by a combination of Northern Democratic absenteeism and Republic quibbling.

Of Four Northern Democrats in the Committee, Sens. McGrath, of Rhode Island, the Democratic National Chairman; Kilgore, of West Virginia, and McCarran, of Nevada, not once have opened their mouths on the issue and most of the time they have been absent from Committee meetings. The only Democrat favorable to the bill and generally present is Sen. Magnuson, of Washington.

One Republican from south of the Mason and Dixon Line, Sen. Moore, of Oklahoma, has worked just as hard as the Southern Democrats, Eastland, of Mississippi, and Fulbright, of Arkansas, to defeat the bill.

On Wednesday, for example, after a two-hour delay due to inability to muster a Committee quorum, Moore consumed the remainder of the session with a motion to sidetrack the anti-lynching bill to make way for the bill to establish State ownership of tideland oil deposits. That motion finally was defeated.

Another Republican, Sen. Donnell, of Missouri, has consumed most of the other Committee sessions disputing the constitutionality of two provisions of the bill. The first of these provides for Federal prosecution of State and local law-enforcement officers who condone lynchings, and the second would permit Federal prosecution of any individual "who wilfully instigates, incites, organizes, aids, abets, or commits a lynching by any means whatsoever."

The Constitution

On the latter point, Michigan's Sen. Ferguson, in charge of the bill, appears to have placated Sen. Donnell by a change which would make private individuals liable to prosecution only if they were proved to have conspired with local officials in promotion of lynchings.

However, Sen. Donnell still is not satisfied on his other question—as to the right of the Federal Government to displace and punish State officials held to have been recreant.

Incensed by the dilatory maneuvering of his colleagues on Wednesday, Sen. Ferguson threatened to move on the Senate floor for discharge of the Committee from consideration of the bill.

The political purpose of the Republicans, of course, is to force a roll call vote that would accentuate the bitter division between Democrats, South and North, on the racial equality issue, and to put some bill in this line up to President Truman for approval or veto. And just as plainly, Chairman McGrath and other Northern supporters of President Truman, are doing their best to head off this development, at least until Mr. Truman is safely nominated.

Atlanta, Ga

Southern Senators, while they are still going through motions of opposing the anti-lynching bill, have seemed in their behind-the-scenes talk to be almost as anxious as the Republicans to put their Northern Demo-

...ganizes, aids, abets, or commits a lynching by any means whatsoever."

...precipitating this issue. 5-21-48

...the spot by Republicans and President Truman on ...

...Failing to secure action on the anti-lynching ... bill, the Republicans may feel compelled to take up the anti-poll tax bill, passed by the House ... and now on the Senate calendar. The Republican leaders, however, strongly prefer the anti-lynching bill, first, because it is the one civil rights measure with a chance of final passage ... and, second, because it is the least offensive to the anti-Truman Southern Democrats.

Senate Unit Studies Anti-Lynching Measure Behind Closed Doors

The News Birmingham, Ala.
Thurs. 4-29-48

BY DONALD SANDERS

WASHINGTON, April 29—(AP)—Senate Republicans began clearing the way today for a showdown fight over civil rights. 27(2)

The judiciary committee ordered a closed door session to begin study of anti-lynching legislation. Sen. Ferguson (R., Mich.) told a reporter he expects the group to approve the bill and send it to the floor.

Ferguson is chairman of a three-man subcommittee which drafted the measure he described as "a real anti-lynching bill." It would make it a felony for anyone to take part in a lynching or for any officer to fail to prosecute a lynching mob.

The Republican majority has decided to give the measure priority over other civil rights bills.

Another of the measures already has been cleared for possible action by the Senate. The rules committee yesterday voted 7 to 2 in favor of a House-approved bill which would outlaw the poll tax as a requirement for voting in federal elections. The News

ACTING MAJORITY LEADER Wherry, of Nebraska, said the poll tax action will have no effect on the GOP decision to go ahead first with the anti-lynching bill.

Southern Democrats have threatened to filibuster against passage of the anti-lynching bill or other civil rights legislation. Thurs.

Republican leaders say privately, however, they are confident they will be able to muster the two-thirds majority needed to invoke the debate limiting rule called cloture. 4-29-48

Opponents of the anti-lynching bill, who argue it is not needed because lynching has been virtually wiped out by state action, concede they cannot block its approval by the judiciary committee.

The bill drawn by Ferguson's subcommittee would make any member of a lynch mob liable to a $10,000 fine or 20 years in prison or both. Birmingham, Ala.

Failure on the part of a local, state or federal law officer properly to investigate or prosecute would be punishable by a fine of $5,000 or five years' imprisonment or both.

"Lobby To End Lynching" Moved To Friday, Feb. 6

27(2)
Sat. 2-7-48

Informant Says Texas Truman Gov Endorse Texas

NEW York. — The Washington "Lobby to End Lynching" organized by the Civil Rights Congress for February 13th has been moved ahead to Friday, February 6th due to the sudden announcement yesterday of hearings in the House of pending bills to outlaw lynching. It was stated today by Joseph Cadden, CRC executive director. Sat 2-7-48

All organizations are urged by the Civil Rights Congress to request time to testify in behalf of this type of legislation and to join the one-day lobby on February 6th which has been organized by CRC

7754

Straw Issues

From The Panhandle (Texas) Herald

Southern Weekly

THE SOUTHERN WEEKLY recently showed how politicians under the name of civil rights are trying to get a national anti-lynching law.

Records show there was only one case of lynching in the entire nation in 1947 and Tuskegee Institute says there have been 4,716 in 65 years.

State laws and a general growth of the idea of taking action through courts have just about ended lynching. 271(2) Sat. 7-3-48

A radio speaker recently said that Congress could devote its time to far more worth while discussions. The nation has thousands of homicides and tens of thousands of theft cases yearly, yet you do not hear of many politicians trying to solve a crime situation that could affect any community.

This writer doubts whether most of the politicians speaking so loudly for the national anti-lynching bill care too much about it. They are thinking in terms of political support from marginal voters.

Antilynching Bill

Senator Ferguson's much-amended anti-lynching bill, now reported out by the Senate Judiciary Committee, is very different from the arbitrary and unconstitutional schemes that have usually been promoted under this heading. Apparently the whole problem has been carefully studied from the point of view of what Congress can reasonably and constitutionally do within the framework of our Federal system. The result is a bill that would doubtless restrain would-be lynchers in some instances but would not make lynching as such a Federal offense. "It seems to be well-settled law," the committee report says, "that any Federal sanctions against the individual lynchers (aiders, abettors, etc.) are invalid." 271(2)

Private individuals engaged in a lynching would run afoul of this measure only if they should conspire with an officer responsible for protection of the victim. State and local law-enforcement officials would be liable to punishment if they should conspire with a mob to permit a lynching, if they should willfully fail to prevent a lynching or to make all reasonable efforts to protect the intended victim. The reason for this distinction is clear. Under the Fourteenth Amendment no State may "deprive any person of life, liberty, or property without due process of law." And Congress may enforce that prohibition by appropriate legislation. In other words, Congress may prevent the States and their officials from participating in or aiding a lynching, even though enforcement of the law against individuals is left to the States.

Other provisions of the bill direct the Attorney General to make an investigation if he is given information on oath that any official has failed to do his duty in connection with a lynching. That would be the Attorney General's duty in any event. The bill also authorizes civil actions in the Federal courts for damages against lynchers and permits judges to order either civil or criminal cases under the bill to be transferred away from the scene of agitation. Another reasonable provision extends the penalties of the Federal kidnaping law to anyone transporting a person across State lines "with intent to lynch or aid in lynching such person." Mass. 6-17-48

This newspaper has opposed many predecessors to this antilynching bill because they have seemed to us to be impracticable and to fly into the face of our Federal system. The present bill seems to be free from such objections, but it still arouses bitter emotions in the deep South. The question is whether the relatively mild restraints it would impose would be of any real value in finally stamping out the unspeakable crime of murder by mobs. The Southern States have now virtually wiped out this shameful practice, as the Western States did some decades ago. Should an outbreak of lynchings again occur, Congress will undoubtedly pass the Ferguson bill, or some variation of it. But, after all, enforcement of both Federal and State laws depends largely upon the sentiment and actions of the people in their own communities. 271(2)

7754

ANTI-LYNCHING BILL FADES IN CONGRESS

271(2)

Republican Proponents Faced With Choice of Softening It or Risking Likely Defeat

New York, N.Y.

By WILLIAM S. WHITE

Special to THE NEW YORK TIMES.

WASHINGTON, May 18—Senate Republicans pushing the so-called civil-rights program have abandoned all but the faintest hope that the anti-lynching bill in its present form can be passed at this session of Congress.

These Republicans and their Northern Democratic allies now confront, and generally concede, the necessity either of yielding many of the sanctions proposed in this measure or having it irretrievably lost. Wed.

In this latter eventuality, they accept the possibility that the Republican leaders may be forced to revise their whole operating plan on the civil-rights issue and turn to the poll-tax repealer as their one hope for action before the Republican and Democratic national conventions. 5-19-48

This would mean the reversal of a formal decision by the Senate Republican Conference that the anti-lynching bill must be the vehicle of first choice.

All this was learned today on competent authority on the eve of another in the long series of meetings on the measure held by the Senate Judiciary Committee.

If, as widely expected, this session produces no decisive action, certain proponents declared privately, the bill in its present structure must be written off as dead.

For twelve weeks the committee has had the measure before it. The Southern members in opposition have been joined in principle by a small group of Republicans holding the balance in power, who are in fixed doubt as to the constitutionality of the measure.

Inquiry among Senators standing on every side of the controversy—strong supporters, implacable opponents and those bothered solely by constiutional questions—disclosed a unanimous opinion that it would be entirely possible to pass "an" anti-lynching bill this session. 271(2)

Such a measure, it was agreed, however, would have to be shorn of two of the sharpest provisions of the pending version. One of them would levy fines upon states, counties or municipalities permitting lynching to occur. The other would make of lynching, which now is legally murder, a special Federal offense. The Times

Both of these, it was said by informants within the committee who have been friendly to Federal action, were subject to constitutional doubts so persistent that if they remained in the bill it could never come forth. New York Times

What could be accomplished, it was agreed, would be a measure providing Federal penalties against individual peeace officers, state, county or city, who connived in a lynching, but stopping short at that point. Wed.

Priority Reversal Discussed

Those who have taken advanced positions for the present bill, however, declared themselves unwilling to make such concessions, which they asserted would be the equivalent of "destroying" it. 5-19-48

The resulting situation was one, it developed, which was already deeply concerning the Republican leaders in Congress generally.

While it was learned that nothing official had been done as yet to recall and reverse the action of the Senate Republican Conference in putting anti-lynching legislation at the top of the calendar, such a reversal was under discussion.

Measures Get Attention Of A Senate Group

Chicago Defender Nat'l Ed. Wash. D.C. 271(2) Sat. 7-31-48

Bill Is Preferred Over Others Seeking The Same Objective

By LOUIS LAUTIER

WASHINGTON, D. C.—(NNPA)—The National Association for the Advancement of Colored People is exerting itself to have the Morse-Wagner anti-lynching bill favorably reported instead of the Hawkes bill.

Both Senator Wayne Morse, Re-

publican, of Oregon, and Charles H. Houston, a member of the legal staff of the NAACP, testifying on anti-lynching legislation, told a Senate Judiciary subcommittee that the Morse-Wagner bill was better than either the Hawkes measure or the bill introduced by Senator William F. Knowland, Republican of California.

The testimony of Senator Morse last Tuesday and that of Mr. Houston last Monday was along similar lines.

Senator Morse told the subcommittee that during the past fifty years approximately fifty persons have been lynched on "varied and capricious pretext." He added that there have been lynchings in all except the New England States for causes ranging from suspicion of having committed a crime, advocacy of beliefs unpopular in their communities, to nothing more grievous than that they were born members of minority groups.

MORSE-WAGNER BILL

The Morse-Wagner bill, he contended, contains all of the provisions of the Hawkes bill but goes much further and, therefore, is a more effective measure.

He described the Hawkes bill as essentially the same as the Dyer anti-lynching bill, which passed the House but was beaten by a filibuster by southern Democrats in the Senate in 1922.

During the time the Dyer anti-lynching bill was pending in Congress almost continuously from the early 1920s to the 1930s, Senator Morse, pointed out, it had the "earnest support" of forces desiring a federal anti-lynching law. The pattern of lynchings has materially changed since then, Senator Morse added, and enactment of the Hawkes bill now would be largely "an idle gesture."

THE HAWKES BILL

He pointed out that the Hawkes bill would punish only state and county officers who, charged with the duty or possessing the authority to protect any person from mob violence or having the victims in their custody, failed to make diligent effort to protect to do so or to apprehend and prosecute the members of a mob.

At the time the Dyer bill was drafted and urged upon the Congress, Senator Morse said, lynchings involved "the open and notorious participation" of local police officers.

"In the past ten years, however, in the majority of lynchings, evidence of active participation by police officers has been hard to obtain," he said, adding:

"No one doubts that the state police machinery is acquiescent in almost every instance in which a lynching is perpetrated. But today the active participants usually do not include police officers.

"While I, of course, believe every police officer who in any way participates or facilitates a lynching should be liable to just as full an extent as anyone else, I urge this Congress not to enact a bill that reaches only the lynchings by the police officers and leaves unpunished all other lynchers."

BILL CONSTITUTIONAL

Both Senator Morse and Mr. Houston contended that the Morse-Wagner bill was constitutional in every respect.

"I believe that every provision in the bill is fully authorized by the due process and equal protection clause of the Fourteenth Amendment," the Oregon Senator said.

"I believe that every provision of my bill is independently authorized and supported by the privileges and immunities clause of the Fourteenth Amendment.

"However, since the United States has recently entered into treaty obligations with other nations which require us as a nation to protect the lives and property of all persons within our jurisdiction against any infringement based on race, color, creed, or national origin, I also desire that Congress explicitly recognize that the bill is in fulfillment of those treaty undertakings."

Senator James O. Eastland, Democrat, of Mississippi, who with Senator Homer Ferguson, of Michigan, chairman, and Senator Chapman Revercomb, Republican, of West Virginia, constitute the subcommittee, challenged the constitutionality of the bill.

INTERRUPT TESTIMONY

The Mississippi Senator interrupted the testimony of Senator Morse when the latter said that under the Morse-Wagner bill the United States Attorney General would have authority to investigate any lynching and prosecute the members of a mob.

"Do you think the Federal Government can punish state officials for what the Federal Government conceives to be negleft of that official in enforcing the law of the State?" Senator Eastland asked.

"That is my contention when, coupled to it, there is also a failure on the part of that officer to carry out the guarantees of the Constitution," replied Senator Morse.

Senator Morse added that he thought "we are entering a field of law here that requires giving to the Constitution applications heretofore not given to a set of facts. But I submit that that is how the Constitution has grown."

"You're trying to simply change the Constitution," Senator Eastland charged.

"Not at all," replied Senator Morse. "I do not think the courts have changed the Constitution."

Senator Morse said the Supreme Court has not yet passed upon a federal anti-lynching law and until there is a federal anti-lynching law and the court is given an opportunity to pass upon it "I do not think this question of the constitutionality of an anti-lynching law can be finally determined."

Mr. Houston told the committee that "To create terror it is not always necessary to have a lynching. Every threat and possibility of lynchings as a community pattern of correction is perfectly ample to keep a minority group or the community in a state of terror and subjection, and so long as lynching remains a threat is justification for this legislation."

Mr. Houston differed with the statement of William F. Barry, solicitor general of Tennessee, who testified last Monday that there had been no lynching in his state in several years.

A colored inmate of a state institution was lynched at Pikesville, Tenn., November 23, 1944, for an alleged murder, and none of the local citizens who constituted the mob was arrested or prosecuted, Mr. Houston said.

He also directed attention to the Columbia, Tenn., "lynchings" of February 25, 1946, "which I think have brought the greatest blot on American's record of anything in the postwar period."

Assuming that there was resistance at Columbia, Mr. Houston said, "nevertheless, the complete devastation of property and wanton killings in the attempts of officers to put down resistance would certainly be punishable under this bill because I take it that an officer, who exceeds his authority has no protection by reason of his official position."

As a sequel to the Columbia riot, Mr. Houston said, there was the "wanton killing in jail of an unarmed victim."

One such case, he said, occurred near Darien, Georgia, where the victim was abducted and shot and in spite of an extensive search, his body was never found.

Another such case, he said, was that Claude Neal, who was kidnapped from a jail in Alabama taken across the state line and lynched in Florida.

Inviting attention to the international aspects, Mr. Houston reminded the committee that the action of the Panamanian legislature in rejecting the proposed lease of military bases in that country to the United States was the result of race discrimination started at the time of the building of the Panama Canal when the United States established a silver standard for payment of colored workers, and placed American workers on a gold standard.

He added that it also went back to the fact that unfortunately American troops stationed in Panama during the war, attempted to introduce segregation and discrimination which did not exist in Panama itself.

He also pointed out that all non-white nations voted against Great Britain and the United States on racial issues in the United Nations.

"The importance of lynching is right here," Mr. Houston said "Suppose in the Sipuel case, this girl, under mandate of the Supreme Court should report to the university of Oklahoma and there be met with violence directed against her because of her race or color.

"If we are going to have a government of laws, we must first establish the supremacy of the law, and there can be no supremacy of law until the crime of lynching is wiped out."

Representative Kenneth B Keating, Republican, of New York, also testified last Tuesday in support of the Morse-Wagner bill. He has a similar bill pending in the House.

House Asked To Set Anti-Lynch Bill Hearings

WASHINGTON, D. C.—(NNPA)—Representative Kenneth B. Keating, Republican, of New York, last Wednesday asked the Republican leadership in the House to set an early date for hearings on antilynching legislation.

It remains to be seen, he said, whether opponents of antilynching legislation, who have effectively blocked action, "can again succeed in this Congress in denying to a large, although admitted minority, segment of our citizenry the equal protection of the laws guaranteed them" by the Federal Constitution.

Noting that antilynching bills have frequently passed the House only to be killed by filibusters by Southern Senators, Mr. Keating urged his Republican colleagues not to accept previous defeats as a precedent but to "press on toward the victory of even-handed justice over racial discrimination which now lies within our grasp."

Punishment Provided

Mr. Keating pointed out that nearly all of the three Senate bills and the fourteen House measures provide for punishment to lynchers and officers who failed to prevent lynchings or apprehend lynchers, and also provide for compensation to the victims of lynchings.

He said he feared that the provision for monetary recompense to victims of mob violence or their next of kin may be rendered nugatory unless there is embodied in the legislation a provision which he has included in his bill.

He pointed out that it is often necessary to bring mandamus proceedings to compel legislative authorities of a city, town or county to levy a tax for payment of a judgment, unless they take such a step on their own initiative.

In addition, he said, states unsympathetic to a Federal anti-lynching law might pass laws or take administrative action to make it more difficult than it now is to turn a judgment into cash in the hands of victims of lynch mobs.

To overcome these difficulties, Mr. Keating said he has included in his bill a provision that if a judgment, growing out of mob violence, is not paid, upon proper certification by the United States Attorney General, the amount shall be paid out of unappropriated funds in the United States Treasury and deducted from any funds which would otherwise be available for payment to the state, where the violation occurred, under any grant-in-aid program.

He said this provision "has teeth in it which will insure that the legislation is effective to accomplish the purposes desired."

Says Measure 'Gutted' And 'Emasculated'

Both Parties Accused Of "Sellout"

NEW YORK — Describing the anti-lynching bill which was reported out by the Senate Judiciary Committee on June 14 as "gutted" and "emasculated," NAACP secretary Walter White recently condemned the failure of the committee to bring to the Senate floor a strong anti-lynching bill which could effectively eliminate lynching.

Mr. White denounced the bill as "litttle more a than pious denunciation of lynching which, based on the NAACP's 39-year experience with the question, will do virtually nothing to stop that crime." According to the NAACP secretary, the provision in the anti-lynching bill which requires legal proof of conspiracy between a lynch mob and derelict state or federal officers before punishment can be meted means that the bill would be of little, if any, value. The provision of punishment for those lynch mobs which cross a state line would be of little use, since in no more than half a dozen of the six thousand lynchings which have occurred since 1889, have patent frauds, Mr. White declared. The NAACP secretary pointed out that the Senate's failure to pass adequate social security to cover 750,000 persons uncovered by the present law, would result in the next November, of these lynchers crossed a state line to flee. "We wonder if Republican and Democratic Senators responsible for this sellout of principle believe that the American people, and particularly Negroes, who are the representatives and senators who chief sufferers from mob violence, are guilty of these breaches of faith.

7755

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Negro Gets Life Term In Assault Charge

BUTLER, ALA., March 11.—(AP)—Slater Napier, 22, Negro, drew a life prison term when he pleaded guilty Wednesday to a charge of raping a young white woman.

Napier, under heavy guard, was brought before Circuit Judge Joe M. Pelham, Jr., two days before his scheduled trial. Sheriff A. I. McCoy said the action was taken "to prevent trouble."

Napier was indicted by a special session of the Choctaw County grand jury last week. He was charged with attacking a 25-year-old widow in the Riderwood community three weeks ago.

State highway patrolmen who quietly brought him over from the Dallas County jail at Selma, took him immediately to the Kilby State Prison at Montgomery.

McCoy said the Negro was taken to the Selma jail for safekeeping when a crowd began to collect following his arrest.

Two Revealing Incidents In New Jersey And Alabama

There were a couple of incidents happening a day or so ago, that deserve some kind of notice.

At Ringwood in New Jersey, which, of course, is one of the states that takes especial pleasure in advising the South how to conduct itself in racial relations, a cross was burned atop a flagpole and three shots fired in the air at a camp for whites and Negroes.

The cross, made of poles covered with burlap, was set afire and hoisted to the top of the flagpole, at the foot of which was left a scribbled note of warning that "if there is any trouble, you Communists get it first."

There was no mention, of course, in the news story from Ringwood of the Ku Klux Klan although had the identical incident occurred in the South the klan would have been accused of responsibility. The fiery cross is the trade mark of the klan.

The incident is important for the demonstration it supplies of the fact that the Klux Klux mentality exists in New Jersey, a fact which has, of course, long been known, even if the Northern press does tend to soft pedal all references to it while overplaying manifestations of bigotry and prejudice in the South.

The other happening was at Talladega, Ala., where a 21-year-old Birmingham Negro had been arrested on a charge of shooting a Negro taxi driver Saturday night.

The Negro, Harrell Hamilton, had to be moved from the city jail at Talladega to Sylacauga for safekeeping when a mob of 500 Negroes, apparently bent on lynching him, gathered about the jail after they heard of the shooting of the Negro driver.

At Sylacauga Hamilton confessed also to the July 4 murder of J. W. Pike, an elderly white taxi driver. The similarity of the two crimes led investigating officers to question him about the Pike murder.

There have been instances, of course, of white mobs lynching white persons, accused of crime—in this instance the accused admits his guilt in both crimes—and there have probably been instances of murder by Negro groups which should have been called lynchings. But here in Alabama would have been an authentic Negro lynching of a Negro except for the prompt action of the white Alabama officers.

Negroes, of course, have been the chief victims of the few lynchings in recent years. They should therefore be constantly on guard against doing anything to encourage lynching, which the decent people of the South have striven to abolish. That they would actually engage in lynching ought to be unthinkable. But apparently it isn't.

July 4 Murder Of Talladegan Reported Solved

Man, Arrested In Similar Case, Held From Angry Crowd

BY R. E. (BUSTER) HOGAN
News Special Correspondent

SYLACAUGA, Ala., Aug. 16 — A 21-year-old Birmingham Negro held in jail here for safekeeping after being charged with shooting a taxicab driver in Talladega Saturday night, has confessed to the July 4 murder of an elderly Sylacauga cab driver according to State Investigator B. L. Allen.

The suspect, Harrell Hamilton, of Birmingham, was arrested eight miles south of Talladega Saturday night after Willie Cole, 35, crippled Negro cab driver, was found collapsed in his cab, critically shot.

Talladega Patrolmen Carl Jacks and Walter Thackerson said they arrested Hamilton as he attempted to board a bus which they had followed out of the city.

The officers said Hamilton readily admitted he had shot Cole in a robbery attempt. But he had underestimated Cole's strength and Cole managed to escape by jumping into his cab and driving until he collapsed.

Hamilton was brought here for safe keeping after a crowd of Negroes, estimated at 500, gathered at the taxi stand near the jail and requested Police Chief Willis Dean to release Hamilton to them.

State Investigator Allen said Hamilton confessed in a signed statement after being brought here that he murdered J. W. Pike, [illegible] July 4.

MR. ALLEN AND POLICE said they questioned Hamilton in connection with Pike's death because of the similarity of the two crimes.

They said Hamilton stated he gouged Pike's eyes and slashed his throat and then took his wallet containing $35 or $40. He told them he threw away the knife in Birmingham.

Hamilton told the officers in his statement that he picked taxicab drivers because he wanted funds and knew they carried money. He said he attempted the second robbery to get money to go to Chicago.

The confession was signed in the presence of Mr. Allen, Sylacauga Police Chief W. D. Ashcraft and Patrolman Billy Sumlin and State ABC Officer J. L. Campbell and Howard Barnes.

The officers said they took a .32 revolver from Hamilton, and Sheriff Earl Howell said he found empty .32 cartridges at the scene of Saturday night's shooting.

THE OFICERS SAID Hamilton emptied his gun before Cole got away. Then Cole drove to a dead-end road and had to turn and drive back by Hamilton, who fired again.

Cole drove to the main highway, the officers said. He collapsed and was found there by an acquaintance who took him to Citizen's Hospital in Talladega. His condition was described as fair there today.

Police Chief Dean said the angered friends of Cole stated they would have taken Hamilton by force but refrained out of respect for the Talladega Police Department. Chief Dean said Hamilton was confined in the Talladega County Jail Saturday night.

Reverse Attack Sentence Of Negro In Dixie Trial

MONTGOMERY, Ala. (Special)—The conviction of a man shot by a mob after he was jailed on an assault charge, was reversed Thursday by the Alabama Supreme Court.

The man, 28-year-old Robert E. Huntley, was sentenced to death by an all-white St. Clair county circuit court jury.

The state high tribunal ruled a confession which helped convict him was obtained improperly, that other evidence was "wholly circumstantial" and the accused was not positively identified as the alleged attacker.

Jailed Since April

Huntley, who was jailed at Pell City, Ala., April 30, 1947, was wounded by shots from a mob which gathered at the jail for the purpose of lynching him. The state patrol thwarted the lynch gang and succeeded in transferring the prisoner to a Birmingham jail for safe-keeping.

Chief Justice Lucien D. Gardner wrote the unanimous decision which centered around the confession signed by Huntley in the Birmingham jail.

The court said that Patrolman R. E. White of Birmingham, "by his method of approach . . . gained the defendant's confidence and made him feel that he had a real friend, someone to whom he could look in the hour of danger."

Terrified by Mob

Huntley, frightened by the lynch attempt, contended that Officer White, under the guise of sympathetic friendship, led him to offer a false confession with the assurance that he might get a lighter sentence. White denied he made any promise or offered any inducement to get the confession signed.

The supreme court ruled the confession was improperly admitted in evidence in Huntley's trial.

Today she is celebrating her anniversary by "working as usual," starting the day with a staff meet-

Alabama Negro Saved From Mob of Own Race

SYLACAUGA, Ala., Aug. 16— (AP)—A Negro [illegible] ing of a crippled Negro cab driver, has been transferred to jail here for safekeeping, Police Chief Willis Dean said today.

Dean identified the Negro as Harrel Hamilton, 21, of Birmingham, and said he had admitted the shooting of Willie Cole in Talladega Saturday night.

The [illegible] chief said Hamilton also had signed a written statement that he killed J. W. Pike, white taxi driver, in Sylacauga, July 4.

Shortly after the shooting of Cole, said Dean, a large crowd of Negroes gathered before the Talladega jail and asked that Hamilton be turned over to them. [illegible] Cole, who, several times, is in critical condition.

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Gov. Thompson Scores Point In Attack On Civil Rights Plan

SWAINSBORO, GA., March 6. —(U.P.)—Gov. M. E. Thompson scored a point in his argument against anti-lynch laws Saturday when an accused killer was brought back to the scene of the crime in view of hundreds of curious—but definitely not lynch-minded—citizens.

Only three nights ago Georgia Bureau of Investigation Agent Garland Field was mowed down by bullets here when he attempted to question two white brothers who turned out to be fugitives from Tennessee.

One of the brothers, Alfred Edwards, 26, was returned Saturday to Swainsboro openly, on Thompson's orders, from the state prison at Reidsville.

Heavy forces of highway patrolmen had rushed Edwards to the $2,000,000 "escape-proof, lynch-proof" penitentiary after his arrest, fearing the temper of the crowd. A routine guard of four men brought him back to the small, red brick Emanuel County jail.

Returned wtih Edwards were his cousin, Evalyn Lax, 16, and his sister-in-law, Mrs. Spence Edwards, 18. His brother, Spence, remained at Reidsville to recover from a bullet wound received in the chase that led to the capture of the foursome in a swamp near Augusta.

Thompson had boldly proclaimed in advance the hour and the route of Edwards' return to demonstrate to the nation and the world, he said, that law and order prevail over the mob spirit in Georgia.

Along the 55-mile route to Swainsboro scores of people glanced idly at the manacled prisoner and his guards when their car slowed to pass through the small towns. At Lyons, where the party stopped for gasoline, a crowd of about 30 gathered around the automobile as if they had been summoned by invisible telegraph. None in the crowd said a word.

Arriving in Swainsboro, Highway Patrol Sgt. Bill McDuffie telephoned ahead to Jailer Tom Kersey to be ready for the party when it arrived.

Except for Jailer Kersey and his wife, only one highway patrolman will be posted at the jail to guard Edwards. His brother will be brought here also as soon as he recovers sufficiently. They are expected to be indicted early in April and tried immediately after that. The women may be charged as accomplices.

Meanwhile, "We're not going to have any lynching or violence here," said Chief of Police Walter Lamb. "Nobody wants it and we're not going to have it."

Negro Threatened By Mob of Negroes

Georgia Ex-Convict Saved From Lynching

SAVANNAH, Ga., Oct. 20 (AP).—Police saved a Negro from possible lynching by members of his own race last night after he had assaulted and robbed an elderly white druggist, Detective Chief John C. McCarthy reported.

Chief McCarthy said the presence of a detective, J. W. Walker, prevented a mob of angry Negroes from harming the prisoner, identified as Frank Mack, twenty-eight, an ex-convict.

Mack had held up Dr. B. W. Hardee, seventy-one, at the point of a knife, then slashed and beat him and fled, Chief McCarthy said.

Several Negroes saw Mack, the officer said, and gave pursuit. They were joined by policemen, and after a lengthy chase, Mack was caught by Detective Walker and Negro officer F. B. Mullino.

The mob of Negroes quickly surrounded the officers and the prisoner, Chief McCarthy related. He said the Negroes begged the officers to turn Mack over to them.

"Let us have him," Chief McCarthy quoted one Negro as saying. "When we get done with him he won't trouble you no more."

Mack is being held without charge. Chief McCarthy said, however, that as soon as the investigation is completed he will be charged with armed robbery, which carries a maximum penalty of death.

The officer described Dr. Hardee as a "good samaritan," loved and respected by Negroes in the area near his store. His condition was described as "serious."

Lynching Balked

SAVANNAH, Ga., Oct. 21—(AP)—Police saved [illegible] last night from possible lynching by members of his own race after he had assaulted and robbed an elderly white druggist. Detective Chief John C. McCarthy said the presence of a white detective, J. W. Walker, prevented a mob of angry Negroes from harming the prisoner, identified as Frank Mack, 28, an ex-convict.

Mack had held up Dr. B. W. Hardee, 71, white druggist, then slashed and beat him and fled, McCarthy said.

Several Negroes saw Mack and gave pursuit. They were joined by policemen and after a lengthy chase Mack was caught by Walker and Negro Officer F. B. Mullino.

A mob of angry Negroes quickly surrounded the officers and the prisoner, McCarthy related. He said the Negroes begged the officers to turn Mack over to them.

"Let us have him," McCarthy quoted one Negro. "When we get done with him he won't trouble you no more."

...The officer described Dr. Hardee as a "good Samaritan," loved and respected by Negroes in the area near his store. His condition was described as "serious."

Foil Lynchers In Ga. Village

OCILLA, Ga.—A mob of approximately 200 white men last week swooped down on the Irwin County jail and made an unsuccessful attempt to remove a Negro accused of molesting a white woman. Sheriff Tillman Paulk of Irwin County said the attempted lynching victim was Buford Folson, 22.

The mob swarmed the jail until an early hour in the morning on July 25, and dispersed only after State Patrolman appeared to assist Sheriff Paulk and his deputies in keeping the mob from getting the Negro.

7757

7757

Ellison Indicted for Murder Of His 12-Year-Old Bride

279 Ky. The Courier-Journal

Louisville, Ky.

His Trial Is Set For May 24 At Greenville

Thurs. 5-13-48

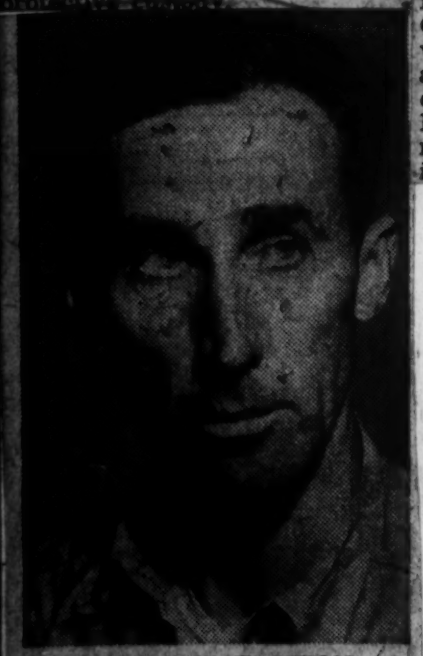
Greenville, Ky., May 12 (AP)—The indictment of Raymond Ellison, 34, on a murder charge in connection with the death of his 12-year-old bride was reported today by County Attorney Russell O'Neill.

Circuit Judge A. J. Bratcher set Ellison's trial for May 24 after the Muhlenberg County grand jury returned the indictment.

A murder charge was filed against Ellison, a farmer-logger, after the body of Mrs. Imogene Sims Ellison was found April 4 in Mud River. The body was bruised and a white rag was tied around her throat. She had disappeared from her home at Ennis near here March 27.

Still Says He Didn't Do It.

Authorities said Ellison continues to maintain his innocence in connection with the death of his child bride of four months. During the search for her, Ellison had asked to be placed in protective custody.



RAYMOND ELLISON

Ellison said he was on an errand to a near-by grocery when his wife disappeared from their home. Thurs. 5-13-48

A coroner's jury reported April 7 that Mrs. Ellison "was murdered, either by her husband or some other unknown person."

Meanwhile, Circuit Judge A. J. Bratcher overruled a motion for change of venue in the trial of J. W. Crick, 24, Muhlenberg County veteran under indictment on a charge of murder for the slaying of his wife, Mrs. Margaret Lucille Bryant Crick. However, Judge Bratcher ordered that the jury which will try Crick be summoned from Butler County. Judge Bratcher ordered that a panel of 50 Butler County jurors be brought to Greenville tomorrow morning. Louisville Ky.

Attorneys for Crick contended he is not guilty by reason of insanity, and argued today that Crcik could not be given a fair and impartial trial in Muhlenberg County. Crick's first trial last January resulted in a hung jury.

The body of Mrs. Crick, mother of a small child, was found in a shallow grave near the Crick home, six miles west of here, last June 6. Thurs 5-13-48

Officers said Crick led them to the grave. He signed a statement for County Attorney Russell O'Neill that he struck his wife with a crowbar on May 4, 1947, after she refused to consent to a divorce so that he could go to Italy to marry a young woman he met there while serving as a military policeman.

Marion Father and Son Shot to Death In Melee As Fairfield Town Marshal Tries to Arrest Them

The Courier-Journal Louisville, Ky. June 6

By [illegible]
Special to The Courier-Journal.

Fairfield, Ky., June 19.—A fight for the gun of Town Marshal John Mattingly of Fairfield ended in the fatal shooting of a father and son near here today.

The two men, Stanley Herman Wright, 44, and his son, William Stanley Wright, 25, both of Riley, Ky., were killed by the marshal in a struggle in a dry creek bed under Plum Run Bridge, two miles east of here. Riley is in Marion County.

The shooting came after the younger Wright's truck veered off the road near the bridge, plunged down a steep, wooded embankment, and was demolished.

Fires 6 Shots.

The slim, frail Mattingly, who is 52 and weighs only 130 pounds, said he emptied his .38-caliber pistol in the melee. Six shots were fired, he said. Two hit the older Wright and one hit Wright's son. The Courier-Journal

Mattingly was arrested by Nelson County Sheriff Tom Shields, Bardstown, shortly after the shooting occurred at 2 p.m. He was charged with voluntary manslaughter and placed under $1,000 bond by County Judge Wallace Brown of Bardstown. Louisville Ky

A similar charge was placed against Mattingly's nephew, R. C. Mattingly, who assisted the Town Marshal. He also was placed under $1,000 bond. The examining trial has been set for Friday before Judge Brown. Sun

Mattingly, who was taken to the home of a relative last night for "safekeeping," told this story of the shoting: 6-20-48

"The Wrights, each driving a truck came into town. I noticed when they started to leave here that they were unable to drive. They had been drinking.

"I got into a bystander's car and started to chase them. When we met up with them the son's car had plunged down the embankment and his father's car was parked on the bridge. I o

"I went down and pulled the son out of the truck and started to place him under arrest. His father said I couldn't do that. We struggled and at one time both the Wrights had their hands on my gun. We were strugg for it when it went off."

Mattingly's nephew attempted to help him, but did not have his hands on the gun, Sheriff Shields and J. Walton Smith, chief of police at near-by Bloomfield, said. The bystander, whose name was given to police as Buck Tennel, left the scene when the fight began, Sheriff Shields said.

After the men were shot, Mattingly called for Smith who notified the sheriff, an ambulance driver, and a doctor. 279

The older Wright died instantly, but the younger Wright lived for about 40 minutes after the shooting, Smith said.

Dr. W. H. Keeling, Bloomfield, who examined the victims, said that the younger Wright died of gun wounds in the abdomen and the older Wright of wounds in the chest and left elbow. Dr. Keeling also said the younger Wright previously had been crippled in his left hand. The Courier-Journal

Says Brother Was Crippled.

The younger Wright's brother, Clifton, who arrived at Bloomfield shortly after the shooting, said William Wright was crippled in both hands "and certainly couldn't have put up much of a struggle." Louisville Ky

A coroner's jury found that the Wrights "had met their death through gunshot wounds at the hands of Town Marshal Mattingly," John Jones, Nelson County coroner, said. Sun

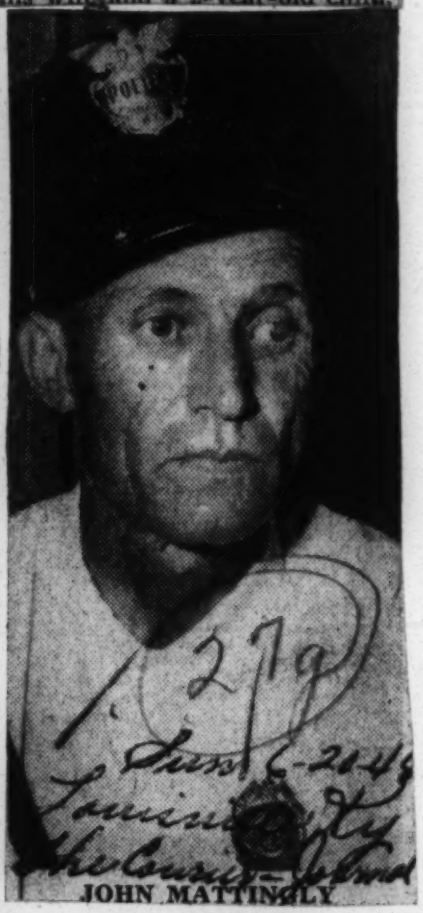
Mattingly, a farmer, had served as Town marshal three months last year and since January of this year. 6-20-48

Bodies Taken to Lebanon.

Chief Smith said the Wrights were in the lumber business and frequently made trips from Lebanon, which is near their Riley home, to Louisville. They were returning from such a trip when the shooting occurred.

The Wrights' bodies were taken to Spicer & McAfee Funeral Home at Bloomfield and then to Bosley Funeral Home at Lebanon.

The older Wright is survived by his wife and six children, Clifton Wright, Mrs. Ramona Rashan, Ross Wright, Freida Wright and Bruce Wright. The younger Wright is survived by his wife and a 2-year-old child.



279 Thurs 6-20-48 Louisville Ky The Courier-Journal

JOHN MATTINGLY

7758

Negroes Quit Running; Arm Selves To Baffle Off Mob In Mississippi

New York Amsterdam News New York, N.Y.
Date 7-31-48
27g 7-31-48

HAZLEHURST, Miss. (Special)—Southern Negroes accepted the challenge of the revolting Dixiecrats and their Ku Klux Klan allied here last week when some 200 armed Negro farmers deployed in the woods near here for a pitched battle with a posse of several hundred whites. The action marked a definite departure from the accustomed policy of Southern Negroes under similar circumstances.

Unrest and tension gripped this town and surrounding communities following a report that two Negroes were responsible for the shooting of the county sheriff. A white posse gathered quickly and went on the prowl for the assailants. Under such circumstances in the past whites have gone on a shooting and head-whipping spree which in most instances amounted to a reign of terror, with Negroes meekly scampering to cover and playing stooge for the searching whites.

Last Friday night when it was evident that there would be trouble, the Negro underground went into action. The maneuvering of the opposing groups took on the appearance of bodies of trained soldiers under the command of competent generals.

The Negro group entered the woods in a body with shotguns and rifles and scattered sniper-fashion as daylight approached. The white group divided its forces and entered the wods into three groups, intent upon encircling the Negroes on a wide sweep and close in from all sides to mop them up.

But it was in Dentville, a village 10 miles from here that actual shooting began. When the smoke of battle had cleared away six persons had been wounded.

Because of the one-sidedness of reports, the true facts of the situation have not been established. One version is that 20-year old Thurmond Fulgham, a Negro touched off the fireworks following an argument in a grocery store owned by one Troy Middleton. The report is he became abusive and cursed the proprietor.

When Middleton told him to quiet down, Fulgham drew a knife and "threatened to cut Middleton's throat." In addition, he "pushed" Mrs. Middleton, police said.

Amsterdam News

The shooting began when Sheriff Julius Harper, called by the Middletons, went to the youth's home to arrest him.

Greeted by Gunfire

As he called on Fulgham to come out, he was greeted by fire from a high-powered rifle in the hands of Fulgham's father, John, 60.

Armed Sharecroppers Prevent Lynching

The Call (Progressive) Los Angeles Calif. Fri. 7-30-48

HAZELHURST, Miss.—Threat of a shooting battle between large groups of Negroes and whites at a small farm community near here ended with daylight after a night-long line-up of opposition camps.

The white men—a posse estimated by a sheriff's deputy at 200—gathered in search of two Negroes wanted in the shooting of Sheriff Julius Harper.

He was shot attempting to arrest a Negro after an altercation with a white storekeeper and his wife.

The posse entered the Turkey Creek woods near Dentville. Afterwards 50 to 75 armed Negroes went into the woods on the opposite side of the creek. Both groups were armed with rifles, shotguns and pistols. They remained lined up during the night.

POSSE BEGINS SEARCH

At daybreak the posse divided into three sections. One pressing into the woods. Another group surrounded the cabin of an elderly relative of the hunted Negroes. A third began searching Negro homes over the area.

At least a dozen Negroes were taken to jail at Hazelhurst for questioning and safekeeping. Chief Deputy Sheriff F. L. Bishop said "they were held to keep them away from the mob at Dentville."

7-30-48

Around 8 a.m. (Central Standard Time) the community approached normalcy. Negroes appeared on the roads and went about their business, and the posse dwindled to about 10 highway patrolmen and five sheriff's deputies. The remainder went home.

NEGROES ELUDE POSSE AFTER SHERIFF IS SHOT

The Commercial Appeal Memphis, Tenn. 7-25-48

Report Of An Armed Force In South Mississippi Woods Said To Be Rumor

HAZLEHURST, Miss., July 24.—A possee combing the swampy, rolling South Mississippi woods failed to find a trace late Saturday of three negroes sought since the shooting of Sheriff Julius Harper.

Sun. 7-25-48

Harper was wounded in the thigh Friday as he attempted to arrest a negro in connection with an altercation between the negro and a white storekeeper and his wife.

Report Is Disounted

Friday night residents of Dentville, a farming community 12 miles south of here, reported 50 to 75 armed negroes had gone into the woods to resist the posse of about 200 armed white men.

T. W. Davis, who lives on Turkey Creek, said he was "shut in" and "scared to get out" of his house, as opposing groups lined up on opposite sides of the stream.

But later, after daylight investigation, Dist. Atty. L. C. McClaren and Chief Deputy F. L. Bishop discounted reports of the armed negro force.

7-25-48

Bishop said he had "investigated thoroughly" and declared that the reports were "rumor" that had "grown in the telling."

A large number of negroes fled their homes into the woods as the armed posse pressed their search, but Bishop said he believed only the three negroes sought were armed.

Argument In Store

Bishop identified two of three as John Fulgham, about 60, and his son, Ferman Fulgham, about 20. He did not know the name of the third.

The Commercial Appeal

The deputy said they were all at the Fulgham home when Harper was shot as he tried to make an arrest.

Appeal

Bishop related that the Fulghams and two others engaged in an argument at the store of Mr. and Mrs. Troy Templeton at Dentville, and that Ferman drew a knife on Templeton and slapped Mrs. Templeton.

Sun 7-25-48

Two possemen were shot and wounded by a white resident of the area who mistook them for prowlers.

Memphis, Tenn.

Bishop said the posse which numbered about 200 men Friday night had dwindled to about a dozen. Bloodhounds were used in the search, he added, but had failed to pick up a trail.

Mississippi Race Riot Peril Ends

The Record Columbia, S.C. 7-24-48

Daylight Eases Tense Situation

Sat. 7-24-48

HAZELHURST, Miss., July 24—(AP)—Threat of a shooting battle between large groups of Negroes and whites at a small farm community near here ended with daylight today after a night long line-up of opposite camps.

The white men—a posse estimated by a sheriff's deputy at 200—gathered in search of two Negroes wanted in the shooting of Sheriff Julius Harper.

He was shot attempting to arrest a Negro after an altercation with a white storekeeper and his wife.

The woman said she was slapped by the Negro who had drawn a knife on the man.

Both Groups Armed

Last night the posse entered Turkey Creek wood near Dentville. Afterwards 50 to 75 armed Negroes went into the woods on the opposite side of the creek. Both groups were armed with rifles, shotguns and pistols. They remained lined up during the night.

At daybreak the posse divided into three sections. One pressed into the woods. Another group surrounded the cabin of an elderly relative of the hunted Negroes. A third began searching Negro homes over the area.

Sat. 7-24-48

The Negroes scattered through the woods.

At least a dozen Negroes were taken to jail at Hazlehurst for questioning and "safekeeping." Chief Deputy Sheriff F. L. Bishop said they were held "to keep them away from that mob at Dentville."

Dentville is a farming hamlet 12 miles west of Hazlehurst. Hazlehurst is 30 miles south of Jackson.

Around 8 a. m. the community approached normalcy. Negroes appeared on the roads and went about their business, and the posse dwindled to about 10 highway patrolmen and five sheriff's deputies. The remainder went home.

District Attorney L. S. McClaren, of McComb, arrived to take charge of the search and said it had been localized to an area of five square miles.

The Record

Pair Sought

He said the men being sought are John Fulgham, a Negro about 60 years old, and Ferman Fulgham, his son, about 20. He said they and two others were engaged in the altercation last night at the store of Mr. and Mrs. Troy Templeton and that Ferman drew a knife on Templeton and slapped Mrs. Templeton.

27 The Record Columbia S.C.

Sheriff Harper said he went to the Fulgham house to arrest Ferman and that while he and several deputies were in the house, he saw a Negro approaching with a gun. He ordered the Negro to drop the gun but the Negro fired, instead. In an exchange of fire, the sheriff said, he was struck in the thigh by a .38 calibre rifle bullet.

Sat.

Bishop, who took charge of the search for the Negroes, said the two Fulghams, another Negro, Luther Wilkins, and an unidentified Negro fled from the Fulgham home in a truck. Three-quarters of a mile away it overturned, pinning the unidentified Negro beneath it. He was sent to a hospital at Jackson, Miss., and Luther Wilkins was taken to jail at Hazlehurst for questioning and "safekeeping."

McClaren said the posse obtained a bloodhound in town this morning and began search of the five square mile area in this sandy, rolling farm land. Road blocks were being maintained by the highway patrol.

In Hazlehurst, all was quiet. No one was around the outside of the jail—neither onlooker nor guard. Many of the townspeople did not know of the night's occurrences.

For some of the people in the Dentville area, however, it was a harrowing night.

T. W. Davis, who lives on Turkey Creek, said he was "shut in" and "scared to get out" of his house. His hope, he said, was that day would break before there was any shooting between the opposing groups while he was in the middle.

7759

JURY CONVENES TODAY IN ATTACK ON SHERIFF

Two Negroes In Hinds County Jail—One Accused Of Drawing Knife, Slapping Woman

By The Associated Press

HAZLEHURST, Miss., July 25.—(AP)—The Copiah County Grand Jury will meet here Monday to investigate the shooting of Sheriff Julius Harper Friday night when he attempted to arrest a negro at Dentville.

Dist. Atty. L. C. McClaren of McComb said Saturday he will present the information at the opening of the grand jury's session.

Two negroes, one wounded, are being held in the Hinds County jail at Jackson for safekeeping.

They are Ferman Fulgham, about 20, and his father, Johnny, about 60, who surrendered Saturday after eluding a strong posse all day. The elder Fulgham is suffering a bullet wound in the leg. Mrs. F. L. Bishop, wife of Chief Deputy Sheriff Bishop, said the negro was wounded in an exchange of gunfire with Sheriff Harper as the sheriff attempted to arrest Ferman.

Harper said that while he was placing Ferman Fulgham under arrest he saw a negro approaching the Fulgham house with a rifle, and ordered him to drop it. Instead, he said, the negrof ired, hitting the sheriff in the thigh. The sheriff said he fired back, but was not sure wether he hit the negro.

The sheriff said he tried to arrest the younger Fulgham on complaint of Mrs. Troy Templeton that Ferman Fulgham had drawn a knife on her husband and had slapped her duuring an alter cation in the Templeton store at Dentville.

The Fulghams surrendered to Copiah County authorities here Saturday night.

Early Saturday morning a posse of white men estimated by Bishop at 200, began to search woods in the Dentville area for the Fulgham negroes.

Residents of Dentville said 50 to 75 armed negroes also entered the woods, and that they feared there would be shooting between the groups.

There was no shooting, and at daylight McClaren, who arrived to take charge of the hunt, discounted the reports of the armed negro force.

Two white possemen were shot during the hunt when they approached a white man's house and were mistaken for prowlers.

Whites, Negroes Near Bloodshed After Incident

Hundreds Face Each Other All Night But Scatter With Dawn

HAZLEHURST, Miss., July 24—(AP)—Threat of a shooting battle between large groups of Negroes and whites at a small farm community near here ended with daylight today after a night-long line-up of opposite camps.

The white men—a posse estimated by a sheriff's deputy at 200—gathered in search of two Negroes wanted in the shooting of Sheriff Julius Harper.

He was shot attempting to arrest a Negro after an altercation with a white storekeeper and his wife. The woman said she was slapped by the Negro who had drawn a knife on the man.

Last night the posse entered Turkey Creek woods near Dentville. Afterwards 50 to 75 armed Negroes went into the woods on the opposite side of the creek. Both groups were armed with rifles, shotguns and pistols. They remained lined up during the night.

* * *

AT DAYBREAK the posse divided into three sections. One pressed into the woods. Another group surrounded the cabin of an elderly relative of the hunted Negroes. A third began searching Negro homes over the area.

The Negroes scattered.

At least a dozen Negroes were taken to jail at Hazlehurst for questioning and safekeeping. Chief Deputy Sheriff F. L. Bishop said they were held "to keep them away from that mob at Dentville."

Dentvine is a farming hamlet 12 miles west of Hazlehurst. Hazlehurst is 30 miles south of Jackson.

Around 8 a.m. the community approached normalcy. Negroes appeared on the roads and went about their business, and the posse dwindled to about 10 highway patrolmen and five sheriff's deputies. The remainder went home.

Dist. Atty. L. S. McClaren, of McComb, arrived to take charge of the search and said it had been localized to a five-mile square area.

He said the men being sought are John Fulgham, a Negro about 60 years old, and Ferman Fulgham, his son, about 20. He said they and two others were engaged in the altercation last night at the store of Mr. and Mrs. Troy Templeton and that Ferman drew a knife on Templeton and slapped Mrs. Templeton.

* * *

SHERIFF HARPER said he went to the Fulgham house to arrest Ferman and that while he and several deputies were in the house, he saw a Negro approaching with a gun. He ordered the Negro to drop the gun but the Negro fired, instead. In an exchange of fire the sheriff was struck in the thigh by a .38 caliber rifle bullet.

Bishop, who took charge of the search for the Negroes, said the two Fulghams, another Negro, Luther Wilkins, and an unidentified Negro fled from the Fulgham house in a truck. Three-quarters of a mile away it overturned, pinning the unidentified Negro beneath it. He was sent to a hospital at Jackson, Miss., and Luther Wilkins was taken to jail at Hazlehurst for questioning and safekeeping.

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For some of the people in the Dentville area, however, it was a harrowing night.

T. W. Davis, who lives on Turkey Creek, said he was "shut in" and "scared to get out" of his house. His hope, he said, was that day would break before there was any shooting between the opposing groups while he was in the middle.

WILLIAM B. FONTAINE, executive assistant to Gov. Fielding L. Wright went to the scene before daybreak. He went in the absence of the governor who is in Atlanta to attend a strategy conference of states' rights Democrats who have chosen him as a candidate for vice president of the United States.

Two of the white possemen were accidentally wounded during the night when they approached the house of a white man who mistook them for prowlers and opened fire.

7760

Negro Saved From Mob of His Own Race

COLUMBIA, S. C., March 22—(AP)—A 200-pound Negro laborer, rescued by police from a lynch-minded mob of Negroes, was charged with murder Monday in the death-slaying of his 11-year-old son over "the truth" about a dollar.

"If he had only told me the truth," Thomas Andrew White, 34, railroad shop laborer, kept mumbling in the safety of his city jail cell about a dollar his son had collected Sunday.

Richland (Columbia) County Coroner William Plott said, "only the arrival of police cars with sirens going full blast averted mob action against White by his neighbors."

City Chief of Dets. William A. Rawlinson said White told this story:

The boy, Thomas A. White, Jr., had collected a dollar Sunday and refused to say what he had done with it. Monday morning the father stripped the boy, tied him up and suspended him from a door frame in the bathroom of their home. There he beat him for almost three hours, taking time out only for breakfast.

When the boy failed to regain consciousness, White told police, he laid him on a bed and called a doctor. In the meantime a huge mob gathered. Police were called in by a frantic neighbor, and the arrival of the patrol cars dispersed the angry crowd.

Rawlinson said White failed to show any emotion about beating his son.

Man Beats Son To Death Here

Large Negro Brutally Whips Boy Over 2 1-2 Hour Period

By MARK WARREN

A husky, six foot-one, Negro railroad shop laborer, Thomas Andrew White, 34, the father of seven children, lashed his 11-year-old son, Thomas A. White, Jr., to death today in what police said was "the most brutal crime in the history of Columbia."

Stripping the boy's clothes from his body at school hour, 8 a. m. today, the father beat the child intermittently until 10:30 a. m., when the little boy lapsed into unconsciousness and death. The man admitted the crime.

Police Sgt. Fred L. Kelsey said first police knowledge was received at 11:45 a. m. when an almost incoherent neighbor woman called for officers to rush to the boy's home, 908 Walnut street, off the 2100 block of Pendleton. Police cars were dispatched and in the meantime another neighbor called and police obtained the correct address and found the boy dead. They arrested the father.

Hands, Shoulders Tied

Using a ply rope, the father tied the boy's wrists together behind his knees and tied a longer rope around the shoulder and suspended the boy for 20 minutes from a bathroom sill, while he beat him to unconciousness with a tough, folded grass rope.

After the boy was beaten over his entire body while suspended, the father said he went to the kitchen and ate his breakfast and then returned to beat him again.

The ropes were so tightly drawn that they cut off circulation at the wrists and deeply imbedded in the flesh of the chest and upper arms.

Chief of Detectives William A. Rawlinson, Assitsant Chief Robert F. Broome, Detective James V. Smith and W. Perry Eleazer questioned the father at headquarters.

Seated in a chair, White, who weighs nearly 200 pounds, all muscle, never expressed regret that he had fatally beaten his son but said that had not been his intention.

All Over A Dollar

White charged that his son collected $1 on Sunday from a Mr. Brooks and he wouldn't "tell me the truth" about what he did with that dollar.

"He tried to snitch another dollar on the mantle," the father said.

"I took off his clothes to beat him to tell me the truth. I kept him home from school. It was the first time I kept him out of school.

"I beat him and he wouldn't tell me. I beat him again. I tied him up in the bathroom and beat him for 20 minutes. Then I ate breakfast. I went back and beat him again."

White said he was "just trying to get him to tell me the truth. I would have let him go to school then."

After several hours, when the little boy lapsed into unconsciousness, White said he placed the boy on the bed.

"I called the doctor. I didn't know the boy died," he said.

"You know you are being held for murder," Chief Rawlinson said.

"Murder?" gulped White.

"The charge is murder," responded Chief Rawlinson.

"Murder?" gasped White again and looked down at his hands.

"If he had only told me the truth."

"You had no right to beat him to death," drily replied Chief Rawlinson.

Neighborhood Is Stirred

Detectives Smith and Eleazer, who conducted the detective investigation at the spot, said that the beating so aroused the Negroes in the neighborhood that they "wanted to lay hands on White." Police, however, had whisked White quickly to a jail cell.

Two uniformed men, Sgt. Henry W. Harris and Radio Officer H. O. Harper, were the first of the uniformed division to go to the scene.

Coroner William A. Plott said the crime was the worst he had ever encountered.

He called for the county physician, Dr. H. F. Hall, to investigate the death.

Detectives Smith and Eleazer said that the boy's shoulder region was discolored by repeated blows, and his back was mottled by dark blotches.

"He was beaten all over," Detective Smith commented.

The ropes had eaten into the boy's wrist, back and arms.

"It's the most cruel and inhuman crime I have ever encountered," said Chief Rawlinson, a veteran of 29 years as an officer.

White came here nine years ago from a farm six miles from Chester.

He was far above the average economic scale of Negro residents and earned $7.44 daily as a railroad shop worker. He was unusually strong and his hands about twice the size of many men.

His children were well dressed.

Police said White's wife, Rosetta White, "was afraid" and did not summon police. She was hysterical when police arrived.

Police said that White would be taken back this afternoon to the crime scene to show just how he had mistreated the boy.

Coroner Plott said an inquest will be conducted but that he had not set a time.

Sergeant Kelsey and Desk Operator Ben F. Rawlinson kept police cars in constant touch with the situation after it was learned by the first call that some serious crime had occurred.

Police answered the call and made the arrest in one of the fastest actions here this year.

27g 1948 Scott News Service Virginia

7761

Violence Feared In Va. Slaying

DANVILLE, Va., Aug. 15—(UP)—Fearing possible mob violence, Danville police transferred a 22-year-old Negro to another Virginia jail Sunday after he had been arrested in the knife slaying of a Virginia white farmer earlier in the day.

The suspect, Charles David Price, is accused of slaying Andrew Coleman during a fight at a roadhouse near Danville. Young Price was reported to have admitted the killing following his apprehension with the aid of bloodhounds.

Following the affray, a large number of whites were said to have milled restlessly at the scene of the alleged crime—their eyes green and burning with anger and revenge.

County Sheriff Dabney made it known he would not disclose the suspect's whereabouts until the tension had ebbed.

The victim was said to have been slashed five times and died shortly after his arrival to a Danville hospital.

Giving Price's version of the fatal stabbing, police said he claimed to have been at a roadhouse with a girl Saturday night and had offered Coleman two dollars to take them home. Coleman accepted and received the money but refused to make the trip. Police was quoted as saying. In addition the victim would not return the money, he reportedly added, claiming he had spent the money for liquor. The suspect, according to reports, said he stabbed the victim when the latter attacked him.

Price was listed by police as a fugitive from Danville since April 17 on a charge of felonious assault. He had reportedly fled to Philadelphia and returned to Danville Saturday night.

Price was held until any threat of violence died down.

Coleman died shortly after he was brought to a hosiptal here. Attendants said he had been slashed five times with a knife.

Officers said the Negro told them he struck Coleman in self defense. They quoted Price as saying he had been at the roadhouse with a girl and had offered Coleman two dollars to take them home.

Coleman took the money, Price told officers, but later refsued to take them home and refused to return the mnoey, which he claimed he had spent on liquor. Price said he slashed Coleman when Coleman attacked him.

Authorities said the Negro had been a fugitive from Danville since April on a charge of felonious assault. They said Price told them he had returned to Danville Saturday from Philadelphia, where he had fled from the charge.

and then fled.

Officers said Price had been a fugitive from Danville since April 17 on a charge of felonious assault. Price said he had returned to Danville last night from Philadelphia, where he had been since he left Virginia.

Knife-Slaying Suspect Held From Mob

DANVILLE, Va., Aug. 15—(UP)—Police took a [illegible] fugitive from the Danville jail this afternoon and held him at another unnamed Virginia jail to avoid any violence growing out of the knife-slaying of a Virginia farmer early today.

The youth was identified as Charles David Price, 22. Officers said Price was run to earth by bloodhounds early today and admitted slashing Andrew Coleman with a knife in a fight at a roadhouse near Danville.

Sheriff Dabney Hall said he would not tell where Price was held until any threat of violence toward his prisoner had died down. Earlier, Hall said, an angry crowd gathered around the roadhouse where the fight reportedly took place.

Coleman died shortly after he was brought to a Danville hospital early today. Attendants said he had been slashed five times with a knife.

When bloodhounds flushed Price from a clump of bushes only a few hundred yards from the roadhouse, he told police he had struck at Coleman in self-defense.

Officers quoted Price as saying he had been at the roadhouse with a girl last night, and had offered Coleman two dollars to take them home. Coleman took the money, Price said, but later told him he couldn't take them and refused to return the two dollars. Price said Coleman told him he had spent the money on liquor.

Price said he stabbed at Coleman when Coleman attacked him.

Negro Is Held In Secrecy After Virginia Slaying

DANVILLE, Va., Aug. 16—(UP)—Officers held a young Negro at an undisclosed Virginia jail today after a lynch crowd of thousands here when the Negro was caught and charged with the knife slaying of a Virginia farmer early yesterday.

The Negro, identified as Charles David Price, 22, was captured by a posse with bloodhounds yesterday and admitted slashing at Andrew Coleman in a roadhouse fight.

Sheriff Dabney Hall removed the prisoner from the Danville jail when a threatening crowd gathered. He said he would not tell where

7762

3 Eastside women cruelly assaulted during the week

Rape of a 51-year-old woman by a 20-year-old man, the kidnaping and robbery of another, and the attempted armed assault and robbery of a third woman alerted Newton street police this week to a check on Central avenue loafers without visible means of support.

Followed from a movie to her home and raped almost in the shadow of it was Mrs. Lulu Singh, of 4420 Staunton ave. Mrs. Singh identified as her attacker George Smith, 20, of 152[illegible] E. 44th st., who was being sought by police this week.

Mrs. Singh, a housewife, said she was followed from the picture house Tuesday shortly after midnight, and was accosted midway between her house and the theatre by the young man, who made an indecent proposal to her.

She told him to go along that she was married and didn't want to be "bothered with you," but the youth continued to follow her.

Stepping into a beer tavern at Vernon and Long Beach, Mrs. Singh said she hoped to discourage the young man, but shortly after she emerged, the youth grabbed her from behind, putting his hands over her mouth and threatening her with death if she cried out.

He threw her to the ground and attacked her, then ran, Mrs. Singh said. She ran home and gave herself first aid treatment before calling police.

"This is a stickup. Don't scream," Mrs. Marval V. Countis, 959 E. 57th st., said she was told Monday night shortly after she had gotten off a bus at 57th and Central avenue and was walking westward to her home.

Mrs. Countis said the thug placed a gun at her back, but she broke loose and ran to 1040 E. 57th st. Undaunted, the gunman followed, snatched her purse, which contained $50, fired two shots in the air, and fled.

Kidnapped and threatened with rape, robbed and left early in the morning in South Los Angeles was Mrs. Velma Hunter, 28, of 751 E. 18th st. Mrs. Hunter said she had been driven home from a Saturday night out with her husband, who left her at the door to their rooming house to remain out a while.

As she inserted her key in the lock, Mrs. Hunter said she was grabbed from behind and hard objects, possibly guns, were placed against her side. Frightened, she fainted.

When she came to, Mrs. Hunter said she was riding in a car, blindfolded and gagged. She said three men were in the car with her, two in front and one in the rear. She thought it likely two were Negroes and one white.

The trio debated attacking her, Mrs. Hunter said, but finally settled for robbing her of $20.00 she had hidden in her brassiere and some small change and pushing her out of the car.

27h 1948

California

7763

Identification of woman attacker falls through

A 33-year-old sign painter, who was identified by the latest Eastside woman robbery assault victim, was released this week after police were unable to establish positive identification.

Detectives said Finis Moultrie, of 1020 E. 22nd st., was apparently not the man they are looking for in connection with a series of assaults and robberies of women, including the brutal rape of Mrs. Virgie Williams, Eastside businesswoman.

Pointing out Moultrie as the man who had choked her and demanded her money as she walked alone on 22nd street between Central avenue and Griffith early one evening this week was Mrs. Martha B. Porter, of 1138 E. 22nd st.

Mrs. Porter said the man she believed was her assailant had seen her put a 20-dollar bill into her purse in a Central avenue store. As she walked along the side street, she was suddenly grabbed around the neck from behind, and the thug whispered, "So you're not going to give me that money." She screamed and struggled, she said, and he turned tail and fled.

Mrs. Porter said she saw the man run down 22nd street. When poice arrived, she went with them on a tour of the neighborhood to see if they could find him.

The excited woman pointed out Moultrie as he boarded a bus at 24th and Central avenue. Moultrie fits the general description given by the women who have been attacked.

Police said he told them, "I didn't rob anybody. I work for a living." After an investigation of his activities, background and associates, they released him.

One woman was raped and another successfully defended herself from assault this week, the records indicating that women are taking the advice of the police, broadcast through newspapers, not to walk on the streets at night unescorted.

Mrs. Leona Lewis, 1412½ E. 23rd st., was raped in her home by a man who came there looking for a roomer, who was not at home. At first the man offered her money for an act of intercourse, Mrs. Lewis said; when she refused, he forced himself on her. Police are hunting a suspect whose name they did not divulge.

Screams of Mrs. Rosie Belle Payne, 1337 E. 25th st., frightened away a brute early Sunday morning, but not before he had hit her several times.

Soldiers, Marines Comb Guam for Girl's Slayer

GUAM—(AP)—Ruth Farnsworth, beautiful 27-year-old jungle criminal assault victim, died in the Army Hospital early today without regaining consciousness and naming her slayer.

The brown-haired Navy civilian employee was kidnaped from a jade shop Saturday night and brutally beaten and criminally assaulted in a heavily matted jungle 200 yards away.

She was found bleeding and unconscious yesterday morning after an island-wide search by troops and native police. At the military hospital, physicians made a desperate attempt to save her life.

The Navy said the girl's mother, Mrs. L. B. Farnsworth, of San Francisco, had been notified of her daughter's death. Ruth was engaged to Marine Sgt. Sterling McGinnis, who was on duty the night of her disappearance.

U. S. military authorities on the island redoubled their efforts to find the girl's slayer. They announced that several servicemen had been questioned, but all the men had been cleared and released.

Carl Wall, American owner of the jade shop where Miss Farnsworth did part-time work in the evenings, offered a $1,000 reward for the capture of the girl's assailant.

Search for the girl was launched Sunday morning when it was discovered she had not returned to her quarters from the jade shop.

Investigators found the young woman's jeep still parked outside the shop. Inside the shop they discovered her jacket, handbag, bracelet and comb.

An island-wide search by 200 soldiers and 75 Marines was ordered by Marine Col. W. C. Hall, director of the security for the Marianas. The search ended nearly 24 hours later when Miss Farnsworth was found, battered and dying, in the jungle only 200 yards from the spot of her abduction.

Newark Man Arrested On Rape Charge

NEW YORK—(NNPA) — Abe Sutton, who is reported to have had at one time $500,000 in cash in Newark, N. J., last Monday faced charges in Magistrate Court of attempted rape of the wife of a war veteran to whom he had rented an apartment, and of beating the woman over the head with a gun.

Willie W. Brown, 25-year-old veteran, testified that Sutton, to whom he owed back rent, entered his apartment at 252 W. 133rd street with about eight other men and beat him over the head with a pearl handled revolver, which later was allegedly found by police under Sutton's bed mattress. He also testified that Sutton and two of the men threw his wife on the bed and attempted to rape her.

Brown said he broke away from his assailants and ran to detective headquarters for aid.

Booked along with Sutton was Benson Harps, 20. Both men had been held in $10,000 bail, which was reduced to $3,000 for Sutton and $2,000 for Benson.

Sutton was said to be a well known figure around Newark. His record showed arrests at various times in Newark, East Orange, and New York City.

Jury Finds Man Guilty Of Assaulting Girl, 8

A District court grand jury last night found Harold D. Meekins, 32, of 2800 13th st. nw., guilty of assault with intent to obtain carnal knowledge of an 8-year-old Alexandria, Va., girl.

Meekins had been charged with having carnal relations with the girl July 1 in his room at 1328 Harvard st. nw., where he then lived.

The jury returned its verdict on a lesser charge of assault and attempt at carnal knowledge after a 6-hour deliberation and Judge Richmond B. Keech adjourned the court until 9:30 a. m. today without passing sentence.

According to testimony, Meekins, a painter, went to Alexandria to get the girl, who is a distant relation by marriage, to stay with him and his wife.

A statement signed by Meekins after his arrest and introduced in court said Meekins had relations with the girl on his bed while his wife was away from their home.

4 Boys Hunted In Attempt to Rape Girl, 16

Teen-Agers Flee In Club Coupe After Attack on Arlington Student

United States Park Police yesterday sought four 17-year-old boys who allegedly attempted to rape a 16-year-old high school girl during a 5-hour trip between Arlington and Mount Vernon.

Warrants have been issued for the occupants of a dark blue or black 1947 Mercury club coupe, with two spotlights and two foglights, Virginia license 123-301, in which the four boys were believed to have escaped.

Police said a fifth youth, who was present during the affair Tuesday night, also was being sought. But they had not determined whether he was involved in the the attempted rape.

Sergt. Arthur Cook, who is investigating, said police know the names of four of the youths, all of whom were said to have police records.

Cook reported the incident as follows:

The girl received a telephone call about 9:30 p. m. from one of the youths, who asked for a date. Shortly a boy whom she did not know called at her home in Arlington and said the youth who telephoned was outside in the car.

The girl went to the car, but found it was empty. The youth then forced her into the automobile, drove off and picked up three other boys about a block away.

They drove to a parking lot just below Mount Vernon, where three of the youths attempted to rape the girl.

The driver then headed back toward Alexandria and stopped at a gas station, where one of the four again attempted to assault her. Later, they stopped at a restaurant and one of the four traded places with a youth in another car, who also attempted to rape the girl.

The girl noted the license number of the car when she was let out about a block from her home.

Police said she had not been raped, but was bruised and frightened.

They said one of the youths later telephoned her home—before warrants had been issued yesterday—and said he would report to police in Alexandria. He is believed to have accompanied at least three of the others in the getaway.

Salesgirl Assaulted; Well-Dressed Youth Sought By Officers

Police today were looking for a well-dressed young man who assaulted a 22-year-old downtown salesgirl near her residence shortly before last midnight.

Miss Marjorie Culpepper, 928 Sixth Avenue, West, told officers a stranger tried to choke her, then hit her over the head, and threw her to the ground.

A neighbor, who said he heard the girl's screams, ran to her rescue, but the assailant fled on foot.

A few seconds before, Miss Culpepper said, she had asked the stranger how to find 928 Sixth Avenue, West, where she had lived less than a week.

AT THE TIME she said she learned later, she was less than a half block from her home.

"I got off the streetcar a block too soon," she told police. "I saw a man walking down the street toward me and asked directions to my new home."

Police said they were told the man then became "friendly" with the girl before assaulting her.

Judge Disqualifies Himself In Case Of Attempted Assault

Fulton Superior Court Judge E. E. Andrew had to rule a mistrial in the case charging Nathaniel Spivey with attempted criminal assault Monday when he remembered that he as Solicitor General presented the case at the time Spivey was carried before the grand jury and indicted.

The mistrial ruling was made after the case had been presented, argued and the trial jury had deliberated over an hour.

The case will be set for another date and, of course, before another judge.

Gunman Kills Girl's Escort

ABBEVILLE, Ga.—(AP)—A Georgia Tech student was shot to death by a masked gunman who tried to rape the young man's companion.

Earl Stevens, Jr., 26, of Carrollton, was slain when he attempted to protect the 18-year-old girl. The girl escaped and the assailant shot and killed the student.

Rape Attempt Is Charged To Pikevillian

Lexington, Ky., Sept. 4 (AP)—A Pikeville man was arrested here today, City police said, and charged with dragging a Lexington housewife from a bus stop into nearby bushes and attempting to rape her.

Patrolmen Tracy Duncan and William Martin said charges of attempted rape and assault and battery were filed against Woodrow Wolford, 29. The officers said he was captured by four unidentified men who pursued him into a cemetery, trussed him with twine, and brought him to a police cruiser parked on west Main Street.

Duncan said the 41-year-old housewife and mother told him the man grabbed her shortly before noon at the bus stop. In the bushes he struck her in the face and tore off part of her clothes, the officer said.

Duncan said the assailant was frightened away by a passerby.

While police searched for the man, the officer said the four unidentified persons captured him and took him to the cruiser. The woman was given hospital treatment.

2 Murders Reveals Mystery Phone Call

Dec. 18—(AP)—The Ormond Beach idyll of [illegible] Aug. 15 (AP)—A [illegible] attracted [illegible] blond girl Bergbreiter could ask any ques- [illegible] old was found in a [illegible] for a [illegible] Police said it appeared Officer Bergbreiter said it had [illegible] ended [illegible] ranged and slain. Anot yet been determined how they [illegible] man and his date ended [illegible] tions. Officer Bergbreiter said he [illegible] attempted [illegible] about the body. Police said he could ask any [illegible] to be [illegible] Officer Jack Bergbreiter said at [illegible] telephoned [illegible] unidentified man [illegible] about the body. Police said he had been [illegible] quarters about [illegible] said. [illegible]

Woman Raped When Forced In Man's Room

NEW ORLEANS — Margis Jimale Lew Keen, 23, 1419 Odeon, complained to police Friday night that she was forced at knife point into a man's room on the second floor of a building on South Rampart, where she was forced to be intimate six times, and to commit the crime against nature about eight or ten hours. She also stated that she could identify the man, but she did not know exactly where the affair took place.

Beach Idyll Ends in Rape Murder

County Line Road near Lake Street. It will be covered with a green coat."

The man hung up before Officer Bergbreiter could ask any questions.

Police said it appeared Officer Bergbreiter said it had been a [illegible] Another yet been determined how they [illegible] man and his date ended [illegible] and slain. [illegible] tions. Officer Bergbreiter said he [illegible] attempted [illegible] about the body. Police said he could ask any [illegible] to be [illegible] Officer Jack Bergbreiter said at [illegible] telephoned [illegible] unidentified man [illegible] about the body. Police said he had been [illegible] quarters about [illegible] said. [illegible]

...ive, 21-year-old Mary Hucks o... East Point, Ga., were found by a young boy.

Sheriff Littlefield said Miss Hucks' crumpled and bruised body, stripped of a scanty bathing suit, was found about 100 yards from where Blount lay as if asleep on a blanket.

"There is no doubt," said the sheriff, "that she was raped."

He said a physician placed the time of the murders at around 9 o'clock last night and added, "from the indentations in the blanket both were asleep and Blount was shot first."

Miss Hucks, awakened by the shot, sought to flee, but was run down by her asailant and dragged into a clump of palmetto brush, the sheriff continued.

She put up a bitter struggle, but before she died, the sheriff said, "they had taken their pleasure of her."

Ormond Police Chief Roger Wills said tracks indicated two men participated.

Colorado Co-ed Raped, Slain

18-Year-Old Beauty Leaves Last Rosary For Violent Death

BOULDER, COLO., Nov. 11—(AP)—A pretty University of Colorado co-ed was found raped and bludgeoned to death today—36 hours after she attended her last rosary.

The nude, mutilated body of Theresa Catherine Foster, 18, of Greepey, Colo., was found on the snow-covered bank of a frozen stream nine miles south of here by two hunters.

District Attorney Hatfield Chilson said the unknown slayer of the girl brought the body from the probable site of the slaying, 11 miles away, and threw it from a bridge. She had on only bobby sox and moccasins. Her sweater and slacks were several feet away.

Coroner Norman Howe said she had been raped.

Left Club Alone

Miss Foster was last seen alive Tuesday night when she left a Catholic students' club. There she participated in her last rosary. She started walking alone to her rooming house.

Even before the body was found, her mother, Mrs. Elizabeth Foster, said she knew her daughter was dead. She was one of 11 children.

"It's just something a mother can feel," she said, adding she had warned her about strange boys. Mrs. Foster said, "I'm sure she wouldn't have stepped into a car unless she was dragged or the driver was someone she knew."

Attacked Girl Strangled To Death, Coroner Rules

BY C. LAMAR WEAVER

While city detectives busy themselves tracking down leads and filtering reports from aroused citizens A coroner's jury was impaneled in the death of 7-year-old Dollie Mae Ross Monday night and returned a verdict that the young girl came to her death from strangulation.

A coroner's physician stated that the youthful Yonge Street school pupil had also been criminally attacked.

In view of the fact that investigating detectives are in the process of procuring evidence, the coroner recessed the jury until gathering of evidence has been completed. Such steps were also taken, the coroner pointed out, to allow the family to proceed with burial plans.

PUBLIC AID SOUGHT

Investigating detectives made an appeal to the public at large to confide in them any information that might shed light on the sadistic crime perpetrated. One remarked that the killer is a menace to society and if he isn't taken into custody soon, others might befall the tragic plight of Dollie Mae.

The young girl, who lived at 263 Old Wheat Street, was reportedly sent from home by her mother Tuesday night to look for her older sister, Marguerite. The mother, Mrs. Ruby Ross, said that was the last time she saw Dollie Mae until her lifeless body was found Saturday afternoon under the rear [illegible] at 216 Jackson place, NW. [illegible] of youngsters playing [illegible] yard were said to have discovered the body which was lying about four feet from the edge of the house. Her shoes were said to have been found about 40 yards from where the body was discovered.

Two witnesses said they saw a man dragging a young girl from under a floor on Climax place shortly after 9 o'clock Tuesday night, police said. This irregularity did not stir them to call police, they added.

The young girl in making her rounds, inquiring as to the whereabouts of her sister, was said to have been in a fearful state from reports of the persons of whom inquiries were made. Yet, she failed to cite the reasons for her fear, they stated.

BELIEVED STALKED

Somewhere in the murky darkness on Tuesday she is believed to have been stalked by her assailant from her home to the place where she was assaulted and murdered.

Her neck was broken, her face scratched and she had been stabbed barbarously in the stomach region.

DOLLIE MAE ROSS

a Grady physician reported.

It was theorized that she had been killed elsewhere and her body secreted at the 216 Jackson place residence.

In tracing the fateful journey of the young girl Monday resourceful bits of information were gathered by your reporter who believes a definite break in the case will come before the weekend. The public, however, is still urged to relate what information they have to the World and to police.

In talking with the young girl's teacher Monday it was learned that she was a first grade pupil instead of a second grade pupil as was previously inadvertently stated.

City detectives working on the case are W. M. Holland and J. E. Helms. They termed the case the most ghastly they have ever encountered during their tenure on the force.

Funeral arrangements of the young girl had not been announced late Monday.

The little girl had been missing since Tuesday night of last week, after her mother, Mrs. Ruby Ross, had sent her to the home of an aunt near where the body was found. Two persons have reported seeing a man dragging a child by the neck in the vicinity and hearing dogs bark on the night she disappeared. The body was discovered Saturday afternoon.

Girl 9, Raped, Slain; Police Seek Killer

ATLANTA, Ga.—Police are seeking [illegible] for a brutal rape-murder [illegible] the neck [illegible] year old Dollie Mae Ross of 263 Old Wheat Street and, after gouging a hole in the child's [illegible] dragged the body underneath

[illegible] house three blocks from [illegible] Medical [illegible] shocked [illegible] raped.

Airman and Nurse Testify

County Jury Gets Rape Case Against Bolling Field Pilot

A Prince Georges County jury retired last night at 6:15 p. m. to consider rape charges against Lieut. William Alger Dawes, Jr., 28, Air Force pilot, stationed at Bolling Field.

The case went to the jury after a full day of testimony, which centered on conflicting statements made by Dawes and a 24-year-old Doctors Hospital nurse who has accused him of rape.

The nurse and Dawes were the principal witnesses during the one-day trial held in Prince Georges County Circuit Court at Upper Marlboro before Judge Charles C. Marbury.

Their stories coincided generally as to the circumstances of their meeting September 30, and where they went that night, but they clashed sharply on details of what occurred early on the morning of October 1 when they parked in Dawes' car on a secluded road near Oxon Hill, Md.

Both agreed that after they parked, Dawes drew a .32-caliber automatic pistol from the glove compartment of his car, placed it on the dashboard and remarked: "I always take care of my girls."

The nurse, an attractive blonde, said that Dawes then made improper advances to her and eventually raped her despite strenuous efforts to resist on her part.

Dawes denied this. He admitted making advances, but said they were "completely received."

He declared he stopped his love-making after she had told him she did not wish to go any further.

Denies Using Force

Dawes, who is charged with rape, assault with intent to rape and assault and battery, denied using force at any time.

The nurse, who lives in the 3400 block of 23d st. se., told the jury that from the time Dawes parked his car until she finally left him she was in "mortal terror."

"It never once entered my mind," she said, "that I [illegible] ing back alive."

After the alleged rape, she said, Dawes drove to his apartment at 1235 Alabama ave. se. She said she went into his apartment, but left and went to police when he fell asleep on a divan.

In his summation, Defense Attorney Ralph W. Powers attacked the prosecution's failure to produce during the trial the results of a medical examination that the nurse underwent at Gallinger Hospital shortly after she had reported the alleged rape to Washington police.

Four Questioned In Beach Murders

Ormond, Fla., Aug. 15 (U.P.).—Four suspects were questioned today about the "murder by moonlight" of a blonde secretary and her escort on the local beach.

Two of the suspects were over 6 feet tall and wore "large-sized shoes."

Prime clews in the search for the killers of Mary Hucks, 24, and Gregory Blount, 23, were two sets of footprints found around the palmetto clump where her nude and ravished body was thrown.

One set was made by a size 13 shoe. From that, authorities deduced one of the killers was over six feet tall and weighed more than 185 pounds. The smaller prints indicated a confederate about 5 feet 8 inches and weighing 160.

The four men were arrested in Sarasota. One carried a .22-caliber pistol—the caliber of the weapon believed used in the slaying of Miss Hucks and Blount.

Friends of Miss Hucks, a stenographer from Atlanta, and Blount, a former University of Kentucky student from Lexington, said the couple went to the beach Saturday night to watch the turtles lay eggs in the sand by moonlight.

Police believe the couple had fallen asleep on the beach and the killers had killed Blount with a close-range shot through the head.

The girl apparently was awakened by the shot and fled for her life only to be overtaken, raped and killed.

General

7765

EXAMINE CHILD'S BODY—Police examine the body of 10-year-old Roberta Pinearton as it lies partially covered by her green coat in a ditch Saturday near a cemetery in Chicago. Police said the girl had been missing since she left home Friday evening to attend a movie. She had been beaten, raped, gagged with her own panties and apparently strangled. Police believe her body had been dumped from an automobile. Roberta, a parochial school girl, was last seen alive when she left home alone at 6 p.m. to attend a movie at a nearby suburb. (Associated Press wirephoto.)

7766

Search On for Soldier in Attack

Military authorities were asked to look for a soldier who threw a woman from his car in Warren Township after raping her and inflicting a brutal beating.

The 38-year-old victim was recovering from the assault in Memorial Hospital, Warren Township. Her face and body were bruised, her eyes swollen shut and several teeth knocked out.

State Police found her unconscious in a patch of woods off Pearl near Dequindre and Nine Mile.

Due to her condition, she was able to say only that the soldier, driving a two-door sedan, was about 35 and of medium height.

Police Delay Hearing in Morals Case

The Police Trial Board hearing of three patrolmen accused of immoral conduct was postponed to Thursday, Aug. 12.

The patrolmen, John H. Lieber, Paul Quandt and Peter P. Winters, all of McClellan Station, stood mute when accused. Innocent pleas were entered for them by the Board.

THE CHARGES arise out of the claim of a 16-year-old girl that Lieber seduced her and that Quandt and Winters tried to attack her.

Attorneys requested the adjournment until after the Recorder's Court trial of Lieber and Quentin R. Neumann, a cadet patrolman of McClellan Station.

They maintained that outcome of the Board hearing might prejudice the court case.

THE GIRL also accused Neumann of seducing her. Since he is a rookie, his future in the Police Department will be decided by Commissioner Harry S. Toy.

Trial of Lieber and Neumann in Recorder's Court on charges of contributing to the delinquency of a minor will start Aug. 10.

7767

N. C. Sheriff Charged With Attacking Teacher

The Courier Pittsburgh, Pa.

27h Sat. 4-10-48

By A. M. RIVERA JR.
(Courier Staff Correspondent)

WINDSOR, N. C.—Harry L. Smith, 36, sheriff of Bertie County, was released under a $10,000 bond pending action of the grand jury growing out of charges of first degree burglary and attempted rape filed in a warrant here April 2 by Miss Elizabeth Pitt, elementary school teacher of Windsor, N. C.

In her warrant Miss Pitt charges that Smith unlawfully burglarized, willfully and and feloniously entered her home by force about 2 A. M. on March 28, and ravishly and violently attacked her, tearing the upper part of her sleeping garment.

In a telephone conversation with Solicitor Tyler, he stated that Miss Pitt came to him last week and told him that the sheriff had forced his way into her home, and upon his investigation he found evidence which substantiated her charges and which led him to order the warrant issued.

According to Miss Pitt, Smith awakened her about 2 A. M., March 28, by knocking on the front door. Being alone in her home, where she spends week-ends, she asked who was there. She said a man's voice answered, "This is Smith, Sheriff Smith, open the door!"

I told him that it was no time of night to be coming to anyone's house and asked him what he wanted. She said that he replied: "I want you!"

NEIGHBORS WITNESSES

Miss Pitt told this reporter that Smith refused to leave her premises, and finally gained entrance to her home through a side window.

Sat. 4-10-48

"He grabbed me about my breasts, tearing the coat of my pajamas during a struggle which lasted about twenty minutes. I finally broke loose and ran to the house of a next door neighbor for help," she declared.

She stated that neighbors who gathered around saw him moving around in the house as though looking for someone.

Sheriff Smith denied charges and told reporters I went to Miss Pitts home to serve ejection papers about 6 o'clock. When I served the papers it was the last time I have seen the woman.

Sheriff Accused of Rape Try

27h

By J. ANDREW BOWLER
Staff Correspondent

WINDSOR, N. C.—Charged with first degree burglary and attempted rape on a Bertie county school teacher, County Sheriff Harry L. Smith, was released on $25,000 bond Wednesday following a habeas corpus hearing in Jackson before Judge R. Hunt Parker.

Sheriff Smith, who has been suspended from office, is scheduled to face trial at the May term of Superior Court. Probable cause was found against the accused officer following a four-hour preliminary hearing on Monday in Bertie County Recorders Court before Judge J. B. Davenport.

The accused officer is charged with forcibly entering the home of Miss Elizabeth Pitt in Windsor about two o'clock Sunday morning, March 28, and with attempting to attack the 36-year-old school teacher. Bond in the amount of $25,000 was asked at the preliminary hearing by Solicitor E. R. Tyler who conducted the prosecution. The original bond was fixed at $10,000.

In agreeing to the amount of the bond at the hearing in Jackson on Wednesday, Solicitor Tyler emphatically requested "that Smith be suspended as sheriff pending this action . . . just let him resign or suspend him."

Mr. Tyler also said he is going to petition the county Superior Court for Smith's removal from office. Meanwhile, Smith has been replaced as sheriff by Coroner E. G. Byrd.

Tells 2 [illegible] Dixiecrat [illegible] Should Have Killed Them

27h

By A. M. RIVERA JR.
[illegible]

WARSAW, N. C.—Mob violence got the green light in the criminal term of Sampson County Superior Court here last week when Judge Henry L. Stevens told two Negroes, convicted of attempted rape, "Somebody should have been there with a shotgun and filled your bellies full of lead."

[redacted]

A source close to the [redacted] ". . . the evidence submitted by the State obviously failed to connect the Negroes with any crime."

This source added that from a legal point of view the men could not have been convicted by a jury.

In North Carolina, however, when a white woman accuses a Negro of rape such accusations are tantamount to conviction.

Judge Stevens, in an open bid to incite mob violence, also said in the course of his remarks that "

was such crimes as the Tanns were accused of that "make whits men take people out and lynch them.

"If that had happened to you," the jurist told the Tanns, "it would have been nobody's fault but your own."

The conviction carries a maximum sentence of two years.

7768

7768

Girl Is Found Shot to Death; Rape Hinted

Springfield, Ohio, Oct. 4 (AP)—The body of a girl found slain this morning on the grounds of Boone Station School near here has been identified as Mary Ann Page, 14, daughter of Mr. and Mrs. Leroy Page, Springfield.

Coroner Austin Richards said identification had been made by the girl's sister, Elsie, and a sister-in-law, Mrs. Marjorie Page.

The girl, with bullet wounds in the back and abdomen, had been dead 10 to 12 hours when found at 8 a.m. by Arthur Detweiler, school principal, Coroner Richards said.

The coroner said the body "showed evidence of apparent rape."

The coroner, who was investigating the slaying along with Sheriff J. Arthur Schuman, theorized the victim had been shot in a parked automobile and pushed out of the car beside the school grounds.

7769

Unknown Man Is Charged With Rape

SAN ANTONIO—According to Mrs. Anne Stott's statement to police early Friday morning an unidentified Mexican man raped her following her refusal to give him a date.

Police records reveal that Mrs Stotts was hospitalized following the alleged criminal attack as she walked along the street near the 300 block of Live Oak about 12:10 a. [illegible] man who is described as 36 years old, five feet eight inches tall, weighing about 170 pounds and wearing dark clothes, advanced toward her and asked her for a date. Upon her refusal he is alleged to have knocked her down, raped her and then stole five dollars cash from her purse. The man then fled the scene and Mrs. Stotts was taken to the Santa Rosa hospital by Mrs. Marie McBride, of 1615 West Martin street. The condition of the victim has not yet been ascertained.

7770

Reformatory Parolee Questioned Further In Two Sex Deaths

EAU CLAIRE, Wis., Oct. 26 (AP) — Law officers planned further questioning today of a young reformatory parolee as they continued an investigation of the sex slaying of a teen-age boy and girl.

The 21-year-old parolee was taken into custody yesterday when he fled after seeing a police car. After he was questioned last night authorities declined any comment.

RAYMOND SMITH, 18-year-old bank clerk, was shot to death in a remote corner of a country club golf course Saturday, and his companion, Gertrude Bauman, 17, a high school senior, was raped and murdered.

A posse formed when they failed to return from a Saturday afternoon hike, discovered the bodies Sunday evening. Smith's nude body lay in two feet of water in the Eau Claire River. He had been shot four times.

The partly nude body of Miss Bauman bearing three .22 caliber bullet wounds, was found on the river bank some 175 feet away. Sheriff Lloyd Thompson said no weapon has been found, but Smith's hat, the girl's shoes and a camera the couple had carried on the hike, have been found.

GOV. OSCAR RENNEBOHM sent Charles Wilson, head of the state crime laboratory to the scene, and Police Chief Charles Tierney, of St. Paul, Minn., also came here. Smith moved here from St. Paul about a month ago.

Thompson said officials are considering the possibility of a connection between Saturday's slaying and the attempted rape of a 21-month-old girl in a trailer home here last September. The baby was not seriously injured.

7 Men Held in Sex Orgy Cases Probe

Teen-Age White Girls Allegedly Involved

MILWAUKEE—Seven men, one 53, two in their 30's and four in their teens, were arrested here last Friday, on morals charges growing out of what a high police official said were a series of wild sex orgies in which liquor and marijuana were used, between the men and several teen-aged, white girls. The arrests grew out of an investigation launched by the police morals squad of the interracial goings-on, which might involve as many as 50 persons, a police official said. All of the girls are white high school pupils and between 15 and 17, it was reported.

One of those held was charged with criminally attacking one of the girls; three of the men, 18, and another, 38, were charged with carnal knowledge; and the 53-year-old man was accused of giving wine to three 17-year-old girls, and with making improper advances to them.

Orgies Unrestrained

Some of the girls questioned admitted smoking marijuana, drinking wine and beer and having sexual relations with the men, the official stated.

He said the acts took place in homes, parked automobiles and trucks, and revealed that one girl admitted having relations with 12 men over one week end, while another girl spent two nights with a man.

Probe Continuing

Some parents of the girls were shocked when told of their daughters' escapades, the official said; while the parents of one of them said they had suspected her activities, but had not been able to stop her.

The morals squad, last week end, was continuing its probe, questioning an additional four teenage boys and seven white girls.

7771

Girl Child, 2, Attacked

Charged with rape of a 2-year-old Negro child, [redacted] McQueen, 18, Negro, 1106-A Fifth Avenue, North, was in City Jail today. The mother told police she left her child in the care of the youth yesterday when she went to work.

Negro Held In Selma For Criminal Assault

BUTLER, ALA., March 4—(AP)—Slater Napier, 22-year-old Negro, was brought here under heavy guard Thursday for arraignment on a charge of raping a young white woman near Riderwood two weeks ago.

Napier entered a plea of innocent. Circuit Judge J. M. Pelham, Jr., ordered him held in jail without bond pending trial set for March 12.

Judge Pelham appointed two Butler attorneys, J. Massey Edgar and Franklin Evans, to defend the Negro.

Sheriff A. I. McCoy said Napier was taken to the Dallas County jail at Selma for safekeeping after his arrest when a crowd began to form. He was returned to Selma Thursday.

The victim of the alleged attack was a 25-year-old widow, the mother of one child.

Negro Held

Clement Lewis, 62, Negro, was charged Sunday with attempting to assault a young Negro girl. A warrant has been signed and he will appear before court this morning. Lewis is a worker at the Williams Veneer Mill.

Chief Justice Vinson Orders 2-Month Stay

Rape Confession Obtained Through Violence, Charge

BY JOHN LeFLORE
(Defender Staff Correspondent)

MONTGOMERY, Ala.—A last minute stay of execution granted last week by U. S. Supreme Court Justice Fred M. Vinson snatched from the electric chair another young victim of the South's dual system of justice.

The condemned youth, 22-year-old Samuel Taylor of Mobile, was scheduled to die only a few hours later at midnight. The stay of execution order was delivered at Kilby prison here while Taylor was kneeling in prayer in his dismal death row cell.

Taylor was convicted by a Mobile Circuit Court Jury in the Fall of 1946 for the alleged rape of a white girl, Kate Mae Dukes, then 14 years old, of Prichard, a Mobile suburb. The girl previously identified another Negro, whose white employer refuted her story with alibi which established the whereabouts of the man elsewhere at the hour she said the attack occurred.

2nd Stay Within Year

It was the second time within a year that Taylor's date had been spared at the eleventh hour. The youth, who has now been confined two years, was about to enter the death chamber last September 5, with only eight minutes to live when Gov. James Folsom granted a two-week reprieve.

The Governor has granted 11 reprieves while the youth fought his case to the U. S. Supreme Court. Thursday he refused to delay the execution any longer saying there would be no more stays unless a court order required such action of him. His decision was made known after Judge C. B. Kennamer of the Federal District Court at Montgomery denied a writ of habeas Corpus Wednesday and Judge Leon McCord of the U. S. Circuit Court of Appeals refused to intervene Thursday.

Defense Attorney Nesbitt Elmore, white, of Montgomery, asked Kennamer for a writ of habeas corpus to free Taylor from Kilby prison after the nation's High Court turned down his appeal. Evidence was submitted by Elmore and Thurgood Marshall of New York, NAACP special counsel, which indicated the youth had been beaten by Prichard police until he confessed raping the Dukes girl more than two years ago.

Stay Expires Sept. 15

The stay of execution signed by Chief Justice Vinson will expire Sept. 15. It was issued to give defense attorneys time to appeal Kennamer's order denying the habeas corpus petition.

The Supreme Court, by a vote of 5-3 last month declined to order a new trial in lower courts on Taylor's plea that a confession had been extorted from him by force and violence. When Taylor's clemency hearing was held before the Governor in June, 1947, Elmore argued that the youth was a victim of race prejudice. He said that under the same circumstances a white man would not have been convicted of raping a colored girl.

Legal efforts to save Taylor's life rival those in Louisiana's recent Willie Francis case.

NAACP Lawyers File Petition On Behalf Of Youth

Validity Of Alleged Confession Of Rape Comes Under Attack

WASHINGTON, D. C.—(NNPA) — Attorneys for the National Association for the Advancement of Colored People last Wednesday asked the United States Supreme Court to review the conviction of Samuel Taylor, an ignorant youth, who is awaiting execution in the Alabama state penitentiary for the alleged rape of a white woman at Prichard, Ala.

The position for a review alleges that Taylor was convicted in the Circuit Court of Mobile county, Ala., Nov. 19, 1946, primarily upon an extorted confession. His conviction was affirmed by the Alabama Supreme Court on April 24, 1947.

ASK FOR WRIT OF ERROR

On Sept. 18, 1947, attorneys for Taylor filed in the Alabama Supreme Court a petition for a writ of error, together with supporting affidavits, alleging that the confession was extorted by force and violence and that Taylor was ignorant of his rights and did not inform his lawyers until after the Alabama Supreme Court had upheld his conviction how the confession had been obtained.

The Alabama Supreme Court, by a divided court, denied the petition for writ of error on Nov. 26, 1947. It is this judgment that attorneys for Taylor ask the United States Supreme Court to review.

TRIAL RECORD

The trial record, filed with the petition for review, shows that Taylor and three other youths were arrested by police in Prichard, near midnight June 26, 1946. They were taken to the city jail, where officers, through third-degree methods, sought to compel them to confess to a robbery.

After the first ordeal, the other three youths were kept in jail for several days without further molestation. Taylor, however, was continuously beaten and mistreated by police for a period of four consecutive nights to force him to confess to an alleged rape the police accused him of having committed.

"In great fear of his life, health and safety," the petition asserts, he finally confessed and was told at the time that if he mentioned that he had been beaten he would be beaten more severely.

A group of people were then brought into the jail and at 3 o'clock on the morning of July 3, 1946, the petition states, Taylor was coerced through fear to confess again in the presence of these people in a "staged, prearranged atmosphere."

Thurgood Marshall, of New York, special counsel for the NAACP, and Nesbitt Elmore, a Mobile, Ala., lawyer, are representing Taylor. Also on the petition are NAACP lawyers Edward R. Dudley and Franklin Williams.

Negro Woman Tells Of Attack

Wetumpka Court Hears White Men Threatened 'More Shooting'

WETUMPKA, ALA., Dec. 1—(AP)— A 22-year-old Negro woman testified in circuit court late today that a white man raped her twice on the seat of a pickup truck after threatening her life.

Melinda Jackson charged that her attacker was John C. Howard, Jr., 30, of Elmore County.

Howard is one of two white men facing charges of raping Melinda and Annie Grayson after robbing their husbands. The other defendant is Jack Oliver, 22, also of this county.

The young Negro woman said Howard and Oliver forced their car off the road near here, fired a shot into one of the trees and chased off their husband and another Negro man, Charlie McCloud, who were with them.

Melinda testified that she and the other woman were forced to get into the white men's truck and that they drove off with Annie sitting in Oliver's lap.

Tells Of Threats

As they drove away and onto a gravel road, she said Howard laughed and said several times, "You are going to get some loving tonight or there's going to be some more shooting."

Later she said he told her if she "didn't do it," she wouldn't see her husband or babies again.

The woman said a deputy sheriff accompanied by her husband, Willie Jackson, stopped the truck when it came into Wetumpka and took the two men into custody. They have been in jail seven months.

As to the robbery charges, she said she heard Howard tell Oliver after they had first halted their car to "take every damn thing they've got." She also claimed that she saw a pistol in Oliver's hand.

Heard Coins Fall

On cross examination Melinda admitted she didn't see any money change hands but heard coins fall on the pavement.

Sam Grayson, husband of Annie, supported most of Melinda's story leading up to the time he was chased away.

He said he gave Oliver $5 when he demanded money and that he saw the other two Negro men give them something but didn't see what it was.

Defense Attorney Willard Pieneeza tried to get Grayson to admit that he and the others drank nearly a pint of whisky belonging to the white men and that the $5 was to pay for it.

Grayson denied that he or any of his companions took whisky from the white men.

The court recessed shortly after 6 p.m. until 9 a.m. Thursday.

Supreme Court Asked to Save Youth's Life

NEW YORK—In a last-minute effort to save [redacted] Samuel Taylor, convicted of criminal assault by an Alabama court, NAACP attorneys on March 3, asked the U.S. Supreme Court of the United States, seeking a review of the decision of the Alabama Supreme Court which confirmed the death sentence.

Doomed Man Welcomes Stay, Though It's 13th

By JOHN LeFLORE

MONTGOMERY, Ala. — The state came near overlooking last week action filed for hearing before the United States Supreme Court and electrocuting in error a 22-year-old youth charged in a questionable rape case.

Samuel Taylor of Mobile received his 13th reprieve at the last moment from Gov. James E. Folsom when the state's chief executive received assurances from outside sources that the clerk of the U. S. Supreme Court had notified Alabama's attorney general on September 14 that a motion for leave to file a new petition had been made by Taylor's attorneys.

Folsom granted a 90-day stay of execution although the State atty. general had not yet advised the governor that the request for a new petition had been filed with the nation's top court. The failure of the attorney general to do so was not explained.

Representing Taylor, accused of raping a white girl, are Nesbitt Elmore of Montgomery, Thurgood Marshall, legal counsel for N. A. A. C. P., Franklin Williams and Marian Perry of New York and Frank D. Reeves, NAACP counsel in Washington.

Taylor's 12th reprieve was ordered previously by U. S. Supreme Court Justice Wiley B. Rutledge after practically all other hope had faded for the youth. It, too, was a last minute order issued only a few hours before Taylor's scheduled execution.

Justice Rutledge acted after Federal District Judge Kennamer at Montgomery had refused to permit a writ of habeas corpus.

Taylor was convicted two years ago for the alleged rape of Katie Mae Dukes, at that time 14 years old, who had previously identified another Negro as her attacker. It happened that the other man's white employer was able to establish an alibi for him.

D772

Nurse Is Slain On First Date With Mechanic

LITTLE ROCK, ARK.—(AP)—A bespectacled nurse was criminally assaulted and choked to death here early Thursday on her first date with an automobile mechanic.

Deputy Prosecutor Tom Downie said Tommy Edwin Black, 28, Little Rock, drove to police headquarters before dawn with the body of Betty Jane McCall, 25, and admitted he had ravished and slain her after leaving a night club.

Both Black and Miss McCall were war veterans.

Information charging Black with murder and assault was filed in Pulaski County Circuit Court by Downie Thursday afternoon.

Miss McCall, a native of Texarkana, Texas, was acting director of nurses' education at the North Little Rock Veterans Hospital and during World War II was an Army nurse at Camp Chaffee, Ark.

Authorities said Black told this story:

He and Miss McCall, whom he met last Saturday, when he repaired her automobile, went dancing at a night club. They left about 2 a.m. and drove in Miss McCall's car to a secluded spot. They quarreled when he made advances, but he overcame her resistance and assaulted her.

They quarreled again and the young woman bit his hand. Then Black beat and choked her.

He said he discovered she was dead upon returning to town and drove to the home of a friend. With the friend, they drove to police headquarters, and the friend told officers:

"My friend has something in his car that I think you should investigate."

Race Members Serve on Vallejo Jury; NAACP Takes "Hands Off" Position

VALLEJO, Dec. 15 — Ernest Hall, 27-year-old ex-Mare Island Navy Yard employe and victim of a mass-lynching accused of rape of a fourteen year old white girl, is being tried by a jury of his peers which includes two Negro members. Hall faces a maximus sentence of twenty years in state prison unless Oakland attorney John C. Henderson can cut through the heaps of damaging testimony delivered in the first day of the hearing on Monday afternoon and evening, December 20th and failed to reach a verdict. Atty. John C. Henderson, prominent Bay Area criminal attorney, pleaded with the jury on the injustice of the charges against Hall as being based on prejudice and resentment, and further asked the jury for a verdict of not guilty so that Hall could [illegible] small children for Christmas. Henderson had to match parries with Atty. Stanley of the District Attorney's office of Solano County.

Ernest Hall was charged by the girl of sending her into a barn to get some oats and then following her in to the barn and there tried to attack her. Hall's testimony is to the effect that the girl came around to where he was separating garbage on his truck, and twice he ordered her off the premises in accordance with the instructions given by his boss to keep children off the premises. The barn is in a field across from Couch's Auto Court in Vallejo where Hall is employed. The girl resented Hall telling her to leave and yelled to him that she would fix him. About 30 minutes after this as Hall was sitting on his truck, he was attacked by the girl's father and two other men (unaware of any pending danger) and was beaten into unconsciousness before being taken to jail.

This case has aroused the interest of many civic organizations of the Bay Area and Vallejo, and efforts are being made to raise the $2500 bail so Hall can be home for Christmas. Representatives of these groups were in attendance during the trial and praised Attorney Henderson for his skillful handling of the testimony and on the impressiveness of his summary to the jury.

Judge Harlow V. Greenwood has set February 8th as the date for retrial.

The defendant, father of three children, is alleged to have attacked the girl on Saturday afternoon, October 16, at which time Rose Marie Dessel reported the incident to her father, who keeps a grocery store in the Negro neighborhood. The father, William C.Dessel, with aid of two other men, searched and found Hall, beating him into insensibility before turning him over to the sheriff.

Actual happenings are still hazy and many contradictory points have been brought out in this case. One of the most mystifying features, however, is the stand of the Vallejo NAACP. The branch will not take a stand on the issue. By coincidence, two members of the branch board of directors were near the scene of the alleged attack and questioned the girl. They advised the board not to take a position which in a sense telegraphs a possible guilty verdict. In the meantime, a San Francisco daily is championing the cause of Hall and his part-time employer (white) has defended him.

Hall has been in jail since October 16, unable to raise $5,000 cash bail demanded. His family, destitute, has been given a three day notice to move by the Housing Authority. Attorney Henderson expressed confidence in the man's innocence and promised to disclose new evidence in the next hearing.

Suspect Faces Attack Retrial After 16 Yrs.

LOS ANGELES (ANP) — Jack Clay, cleared 16 years ago of criminal attack charges brought by a Hollywood stenographer in the "night of horror" case here, was taken into custody last week by the district attorney and may have to defend himself again.

He is expected to be called to testify next month in a retrial of ex-Lieutenant Byrnes, a former West Pointer who was convicted 16 years ago on several counts to serve a total of about 200 years, in the torture-kidnapping case involving the late Patricia Potts.

Miss Potts, now deceased, testified in 1932 that Byrnes subjected her to a "night of horror," by taking her to Jack Johnson's Showboat Cabaret and then dragging her out and taking her to a spot unknown to her.

Survived by 6, She Says

There, she said, he allowed seven or eight colored men, who paid him, to have sexual relations with her and then took her home at 7 a.m., badly beaten and bloody, with a broken nose, and slammed her into her mother's arms.

Byrnes, at the trial, first said he had caught Miss Potts with colored companions, but later confessed some of the charges, implicating Clay, who was freed after spending six months in jail.

The ex-officer, who has demanded a new trial after having studied law during the 16 years he has spent in prison, is believed to hope to gain freedom or have part of his sentence commuted by shifting the blame in the case to Clay.

JUVENILE [illegible] ATTACK CASE

[illegible], 50, [illegible] Laguna St., assistant manager of the Drake-Wilshire Hotel, one of San Francisco's most exclusive hostelries, was charged with contributing to the delinquency of two brothers seven and eight years of age by Juvenile Authorities Monday, Dec. 27. Bald was booked on two counts of [illegible] sodomy and is free on $3500 bail.

It is alleged that the perverted acts were committed on July 2, however they were not reported until Dec. 14 when recreation personnel made the startling findings and turned the information over to the authorities. The Juvenile Bureau assigned Officers Sidney Mahler and Thomas Ryan. It is reported that these officers with the help of community leaders succeeded in tracing the acts to Bald who attempted to intimidate the officers by naming prominent people as friends of his.

When arraigned for preliminary hearing Wednesday, Dec. 29, Bald pleaded "not guilty." Authorities stated, however, that the two boys had positively identified Bald as the culprit.

7773

WHY FAILS TO REACH VERDICT IN [illegible] ATTEMPTED RAPE CASE; ORDER NEW TRIAL

The jury which heard the testimony for three days in the Superior Court of Solano County at Fairfield against Ernest Hall of Vallejo, charged with attempted rape on a fourteen year old white girl on October 16, deliberated for eight hours

7774

Rapist chokes woman into submission

An appeal to women of the community, particularly on the Eastside, to stay off the streets alone at night was made this week by Newton division detectives following the brutal attempted rape of Mrs. Virgie Williams, housewife of 657 E. 55th st., the latest in a series of assaults on women which figure prominently in the district's mushrooming crime situation.

Mrs. Williams was choked into unconsciousness by her assailant Monday night at 9:30 and misused. It was not determined, however, that rape had actually been consumated. The thug had followed her from Vernon and Ayalon to 43rd and McKinley where the assault took place.

The callous attitude of citizens who ignore outcries after dark was scored by Detective Sgt, Tom Bradley, with Sgt. Fernando Collins investigating the case, who said one woman told him Mrs. Williams' cries disturbed her as she listened to her favorite radio program.

Instead of investigating, she turned the radio volume higher, Bradley said.

The assault took place between two houses that were no more than average distance apart, investigating officers said; yet no one came to the distresed woman's rescue.

Mrs. Williams, a petite, pretty little lady who formerly operated the notions counter in the lobby of the Dunbar hotel, said the man grabbed her around the neck and struck her in the face. Then he dragged her between the houses where he choked her into unconsciousness. He took her purse before fleeing.

She described him as between 20 and 27 years old, 5 feet, six inches tall, medium brown and slender.

Man admits rape, then attempts suicide

Albert M. Ingram, 31-year-old laborer, of 1371½ E. Vernon, proved his emotional instability all the way down the line last weekend. First he committed rape on a minor girl Then he confessed the assault to the child's mother, Mrs. Jaunita Wilson, 3846 Woodlawn ave.

When, summoned by Mrs. Wilson, police arrived at Ingram's home to arrest him, Ingram retreated to his bedroom where he plunged a knife in his chest, inflicting a painful wound.

Arresting officers L. A. French and M. M. Anderson handcuffed their prisoner and removed the knife to prevent him from doing himself further injury. He was removed to the prison ward of the general hospital to await prosecution for rape.

Candid rape suspect ordered held to answer

A rape suspect who, according to police, demonstrated a praiseworthy frankness in admitting his guilt, was arraigned in municipal court this week and ordered held to answer.

The defendant is J. Rufus Ebow, 34, of 519 E. 23rd st., who police said, told them, "I might as well admit that I was the fellow that was in the car and tried to rape that white woman."

Ebow was arrested, police stated on complaint of Mrs. Florence M. Samson, of 627 E. Gravey blvd. He was identified by Mrs. Samson and two women whose appearance on the scene halted the rape attempt.

The assault took place in Mrs. Samson's car, which was parked at 7th and Olive Thursday morning of last week. Mrs. Samson told police she works nights at 649 S. Olive, and was getting into her car at six in the morning when Ebow got in with her, choked her and attempted to assault her.

2nd rape charged to Watts lad

Twenty-year-old Charles Brug, of 11576 Croesus, has good intentions toward a young lady he has embarrassed, but there isn't much he can do about it on account of another young lady in a similar situation.

All this embarrassment has Bruce in the county pail this week with two separate charges of statutory rape against him.

The young Don Juan was already awaiting trial for the rape of a 16-year-old Watts girl when a complaint was filed against him by the district attorney in behalf of a second Watts girl, also 16, who is 7-months pregnant.

Bruce was held yesterday for superior court trial.

Both girls said Bruce made love to them at his home with their consent.

Woman raped, beaten, robbed

Somewhere in Watts there's a 36-year-old man who, judging by police reports, expects an awful lot of an evening. For according to Mrs. Ruby King, of 1637 E. 115th st., the man raped her, forced her to commit a perverted act, beat her, and then robbed her of $14.00.

Approached by the man in a beer parlor at 10224 Graham st., Mrs. King said she let herself be talked into going with him to his sister's house to get a drink. In the cab, her companion suddenly pulled a knife and told the driver to go to his house instead, Mrs. King said.

They went to 1565 E. 116th pl., the woman said, where the gent produced a gun and ordered her to disrobe. The beating took place when she balked at the perversion, Mrs. King said.

Even after the attack had taken place, her abductor would not let her go home, Mrs. King complained, but kept her all night.

Added to this list of complaints, the man took her money from her purse when he finally let her go the next morning, Mr. King said.

Cook accused of garage-floor rape

A brutal rape on a garage floor was charged to a 26-year-old hospital cook this week, even though his victim said he apologized profusely after the attack.

Beaten into submission and raped was Miss Cecile Wliiams, 25, of 1021 E. Vernon. Her attacker, she told police, was Frank Trunell, 26, a second cook at the Cedars of Lebanon hospital. Miss Williams said she met Trunell through his cousin, Msr. Essie Trunell, of 1055 E. 56th st., at whose home they had been playing cards last Sunday night.

The young woman said Trunell offered to walk home with her and she accepted, specifying that if he would accompany her to Vernon and Central, she could run safely the rest of the way.

As they approached the Vernon branch of the public library, Miss Williams said Trunell suddenly used obscene language, expressing his intention of assaulting her. When she screamed, Miss Williams said he dragged her behind the bushes on the library lawn, where he beat her.

Then twisting her arm, he forced her down the alley in the direction they had just come. Somewhere in the fifties, Trunell, it was charged, found an empty garage, forced the young woman into it and attacked her.

After the attack again playing the gallant, Trunell accompanied her home, Miss Williams said, apologizing profusely and agreeing he had "treated her like a dog." Safely home, the young woman complained to police and filed a rape charge against Trunell the next day.

Trucker held for raping blind cousin

A 32-year-old truck driver was ordered held this week for trial on a statutory charge growing out of the rape of his 17-year-old blind first cousin, now pregnant.

The district attorney's office said the accused man, Willie Arrant, occupied a room in the home of the child's parents. He is the son of the mother's sister of his victim, whose name is withheld by this paper because of her youth.

7775

Farmer Is Held On Attack Charge

WASHINGTON—(AP)—Elvid H. Perrell, 26-year-old Bear Creek, N. C., farmer Wednesday was ordered held without bond for the grand jury on a charge of criminally assaulting the 31year-old wife of a District of Columbia park policeman.

Perrell waived a hearing at his arraignment before Judge Aubrey B. Fennell in Municipal Court. The court appointed Michael Colbert attorney for the farmer.

Lt. John Layton, chief of the police sex squad, said Perrell admitted attacking Mrs. Louise Johnson early Tuesday.

Mrs. Johnson identified Perrell in a police lineup as the man who forced her into his car, drove her to a secluded spot and assaulted her.

Perrell was spotted in a parking lot as the one bearing the license number Mrs. Johnson had taken down.

Police said Perrell told them he had come to Washington for a Labor Day weekend fling and was visiting a relative in Alexandria, Va. The farmer said he is married and has two children.

Police Seek Bold Intruder

Young Girl Says Man Entered Her Room

TWO QUESTIONED

Culprit Had Knife, WAA Employee Says

WASHINGTON

A 19-year-old girl who reported to police that she was criminally attacked in her dormitory room at the Phyllis Wheatley YWCA, Ninth St. and Rhode Island Ave., N.W., early Wednesday morning, was unable to identify several suspects arrested in connection with the case on Thursday.

The young woman, an employee of the War Assets Administration, says she was physically molested by a man "who badly needed a shave," at the point of a knife about 1:50 a.m. Wednesday in her third floor room. She was awakened by the man who was kneeling beside the bed fondling her, the victim reported. It is believed the man stole into the building.

Physicians at Gallinger Hospital, where she was taken immediately after the incident was reported, said the young woman actually had been attacked.

Entrance Puzzling

Mrs. Alice Bell, executive director of the YWCA, told the AFRO Thursday morning she had proved to detectives that there was no way the intruder could have entered the building by the fire escape from the outside. "It is possible to get onto the fire escape from the inside," she stated, "but nobody could enter from the outside."

Detectives suggested that the intruder had passed by the front desk to gain entrance to the dormitory.

Mrs. Bell came to the defense of Mrs. M. F. Woods, night clerk on duty at the time, saying: "Mrs. Woods is a very responsible woman who has been at the "Y" for over 10 years.

Mrs. Bell's theory is that the attacker entered the building during the day, either by the front entrance or through the cafeteria in the basement, and when somebody on the desk turned her back, sneaked past her and on into the dormitory where he found a hiding place until time of the attack.

The executive secretary says this is the first time anything of this nature has happened at the YWCA.

The young woman told police that "a man who needed a shave real bad" held the point of a switchblade knife against her throat while committing the act.

Dared to Scream

"If you scream it will be your last scream," she quoted him as saying. She described the man as being about five feet 11 inches tall, weighing about 150 pounds, and wearing a dark-colored T-shirt. He had a heavy mustache.

Two suspects were picked up Wednesday morning but were released after questioning and failure of the victim to identify them as her attacker.

Soldier Accused Of Attacking Girl Goes on Trial

Pvt. John J. Cook, 19, of Ft. McNair, went on trial yesterday in District Court on a charge of having carnal relations with a 15-year-old pupil on the grounds of the McKinley High School here.

The trial is to continue today.

The girl testified that on May 29 Cook visited her at her home and that the assault took place while she accompanied him to a streetcar stop.

She said that when she resisted him, she was knocked unconscious and could not testify as to any carnal relations. However, her bloodstained clothing was put into evidence.

Meyer Koonin, defense attorney, said in his opening statement that he would prove there was no sexual act.

Woman Reports Sex Assault After Alighting From Bus

A 39-year-old married woman reported she was assaulted and raped Saturday night, police said, after she alighted from a bus at Alabama Ave. and Angler pl. se.

The woman said the man put his hand in his coat pocket as though he had a gun and forced her to accompany him to the nearby wooded area. There he choked her into unconsciousness and raped her, she said.

She described her assailant as a Negro, about 20 years old, of slender build, wearing a tan topcoat, gray hat, tn sport shirt and light brow ntrousers.

7776

7776

Janitor Held In Slaying of 2 Girls, 11 And In Rape-Robbery of Housewife

Murder Charged In One of Cases

Washington, July 9 (AP)—Police said today a Negro janitor was being held in Baltimore for the knife slaying of two 11-year-old girls and the rape-robbery of a 38-year-old housewife.

Police Superintendent Robert J. Barrett said Eugene H. James, 31, an ex-convict, had confessed slashing the throat of Carol Bardwell in Rock Creek Park here June 27. Police said at the time the girl had been raped.

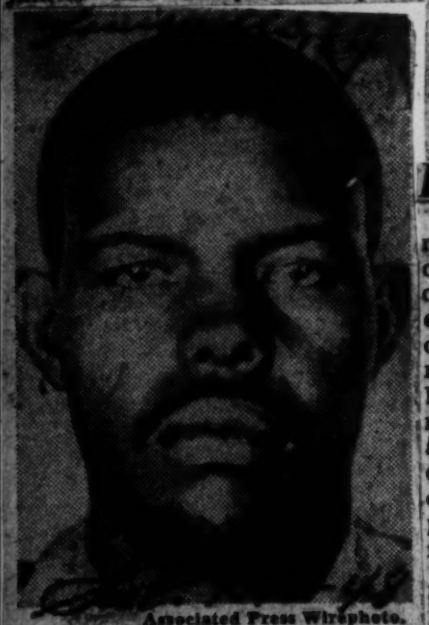
Baltimore police, who arrested James 12 hours after Marsha Brill was stabbed to death Tuesday, have charged him with that murder, and a grand jury has indicted him.

Had Served 7 Years.

James also is charged with raping and robbing a Baltimore housewife three weeks ago.

Records show that James was convicted on five knife assaults on women and girls in 1940 and was sentenced to two years in prison on each count. He served slightly more than seven years and was released last December with time off for good behavior.

No charge has been filed against James, Pimlico apartment-house janitor and odd-jobs man, for



Associated Press Wirephoto.

EUGENE H. JAMES
Arrested in three slayings.

the Bardwell slaying. Washington police said they did not know whether he would face trial here. They said that Baltimore, where James is held in jail and where the arrest was made, has "first claim" on him.

Details of Murder Alike.

The murders were strangely similar—both girls were 11, both were riding bicycles before being attacked, both were cut to death with a knife, and both were in or near wooded areas or parks.

The statement issued by Barrett here quoted James as telling police that when he saw Carol Bardwell riding her bicycle in a wooded section of Rock Creek Park he drew a knife and slashed her twice.

The statement did not mention rape, but it said James told police he had "sexual gratification" when he slashed her. It went on to say that James hid in the woods for a time after the killing, then returned to Baltimore.

The Baltimore slaying, 10 days later, happened in much the same manner. Marsha Brill was riding with two playmates near a park when a Negro appeared.

Girl Fled Into Woods.

The girl jumped from her bicycle and fled into the woods, the man in pursuit. She reappeared a few minutes later, bleeding from a deep gash in her lower chest. The sixth-grader died in an ambulance on the way to a hospital.

Twelve hours later James was arrested. He has been under constant questioning since. Yesterday police took him to the place where the Brill girl was attacked.

Rape Acquittal

The acquittal of Elvid H. Perry on the charge of rape is one of the most flagrant miscarriages of justice to occur in the D. C. courts in recent years. With this case as a precedent any sex-mad man may attack a woman, then bring his wife, children and neighbors into the courtroom to [illegible] sympathy and be acquitted. This leaves the full onus to be borne by the innocent party who was attacked and her family.

There is one other aspect of this case that invites careful consideration, and that is whether rape merits the death penalty—a view which has led to more than one lynch party. I do not believe it does, and am sure that in time enlightened jurisprudence will treat this matter in a more reasonable and humane fashion by putting the rapist under competent psychiatric and/or medical care, and providing a method whereby the attacker is forced to make good financially in some measure to the person who has been wronged.

FLORENCE JACKSON.
Washington.

The jury which freed the rapist has not only done the victim of the crime an injustice, but the community a great disservice, as its verdict will now serve to increase such crimes, which are altogether too frequent in Washington. The sex fiends will become bolder, as now many victims will not want the publicity and trouble caused by their reporting the attacks.

BACHELOR.
Washington.

The first result which will come from this decision will be that hereafter many citizens whose wives, children, or relatives are unfortunate enough to run afoul of a potential rapist will not go to the district attorney of the District of Columbia. Instead they will immediately proceed to take the law in their own hands and exact vengeance of "an eye for an eye," which, in many cases, may well result in the killing of the person who commits the crime.

Moreover, the news of such a miscarriage of justice will be an open invitation to those potential rapists who may be thinking of committing such acts to carry them through without any serious danger of paying the law's penalty. Another effect of the decision may be a serious blight on the lives of the husband of the victim and the victim herself.

The writer also wonders if the time has not come to give more serious consideration to the penalty for rape which, in the District of Columbia and in several Southern and Southeastern States, carries the possible sentence of death. Perhaps the penalty is too extreme, and if the judge instructs the jury to bring in a verdict of either guilty or not guilty of rape, the average citizen serving on the jury is reluctant to impose such a drastic penalty. It should be noted that in many States the crime is not considered as serious as murder in the first degree and is punishable with a considerable prison term.

The writer is also informed that the law of rape in the District is quite clear on the point that a woman does not have to resist to the point of being killed or seriously injured before the crime is committed. She can be convinced that her life is in danger if she resists and thus participate in the act without being accused of consenting to it.

JOHN H. KING.
Falls Church, Va.

2 Girls, Both 12, Admit Faking Hysterical Sex Attack Story

Two hooky-playing 12-year-old girls stirred up a formidable man-hunt in Prince Georges County yesterday before they admitted their hysterical account of a sex attack was a hoax.

The girls, one of them a charge of the District Board of Public Welfare, went AWOL from a Washington institution and wandered into Maryland.

Shortly before noon, they were found lying beside Colesville rd., about half a mile north of Queens Chapel rd. Their clothes were torn and muddied. They appeared to be dazed.

At Leland Memorial Hospital in Riverdale they sobbed out a story of being assaulted at the point of a knife. They described the man.

Prince Georges County police flashed a general lookout to all police jurisdictions in this area. The FBI was notified.

Every available town policeman in the county was pressed into service and at one time 65 policemen were working in the general vicinity of the reported attack. Throughout the county, trucks, buses and streetcars were stopped as part of the search.

Police took 17 suspects to the station at Hyattsville. Police were particularly interested in one man brought in. He answered in almost every detail the description given by the girls.

The girls were picked up on Colesville rd., alongside the Christian Heurich estate, at about 11:40 a. m. by Richard A. Clift, of 3906 Longfellow ave., Hyattsville. He took them to the hospital.

At the hospital, the girls were questioned by County Policemen J. P. Kerns and Joseph R. Hill. They told this story:

They were sitting by the side of the road when a red and green dump truck passed. In it were two men. A few munites later, a man approached them with a 4-inch curved knife and attacked them.

They gave a vivid description of their "attacker," even to a torn pocket on the right side of his overalls, a mustache and a scar on the left side of his face. They said he was a 45-year-old Negro, about 5 feet, 8 inches in height.

During the afternoon, officials of the institution which shelters the two girls told police both girls were inclined to be highly emotional. It deevloped, too, there were no marks on the girls.

Admit It's All a Hoax

Kerns and Detective Richard A. Pearson of the county police talked to the girls again. This time they admitted their story was false.

They said they had left the home and school at about 6:30 a. m. yesterday, playing "hooky" so they could go downtown and see the Christmas displays in the department stores.

But they went the wrong way and got lost. They were tired and wanted to get back to the home. So they tore their clothes and made up a story.

It was decided to leave the girls overnight in the hospital and return them to the District institution today.

7777

Escapee Admits Role In Florida Beach Slayings, Says Police

Declares He Acted As Guard While Another Committed The Crimes

CAMILLA, Ga., Aug. 28—(AP)—An escaped Florida Negro convict has admitted orally a part in the moonlight beach murder of a young vacationing couple at Ormond, Fla., Deputy Sheriff Grover Jones said Saturday.

The statement, Jones said, was the first break in a nation-wide search for clues in the shooting two weeks ago of Gregory Blount, 23, university student of Lexington, Ky., and the murder and rape of Mary Hucks, 24-year-old East Point, Ga., stenographer.

Jones identified the Negro as Clarence Alburty, 38. He said Alburty told a large group of officers, after two days and a night of questioning, that he stood guard while another Negro shot Blount, raped the girl, and then shot her.

Alburty identified his accomplice, Jones said, and an alarm went out immediately to pick up the other Negro. Officers declined to reveal the second Negro's name or the location of the search for him.

To Be Taken To Florida

THE DEPUTY SAID Alburty probably would be taken back to Daytona Beach, Fla., by Daytona Deputy Sheriff William Freeman. Charges will be placed against him in Florida, Jones said.

The bodies of Miss Hucks and Blount were found by a young boy wandering along an isolated portion of the beach. Miss Hucks' crumpled and bruised body, stripped of a scanty bathing suit, was found about 100 yards from where Blount lay as if asleep on a blanket.

Alburty told officers he "ran" when he heard pistol shots at the isolated scene of the double murder, Jones said. The deputy said the Negro bore evidence of teeth prints on his arm and scratches.

The Negro was arrested early Friday, Jones said, after a Negro woman reported two Negroes were "acting strange" near her home. Sheriff W. M. Harris picked up the trail of the pair, followed their tracks into some woods and found them sleeping in a car, Jones said.

Alburty's companion at the time was not implicated in the murders. The deputy said Alburty at first denied he had been near the scene and gave several conflicting reports of his activities.

After the Negro made an oral admission late Saturday, he was closeted with Sheriff Harris and others while the statement was recorded, Jones said.

Escaped Road Gang

OFFICERS AT THE STATE prison at Raiford, Fla., said Alburty escaped from a road gang in December, 1943.

He was later apprehended by Georgia authorities on felony charges and sent to the state prison at Reidsville, Ga. He escaped from there too.

Negro Escapee Admits Part In Florida Beach Murder

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COUPLE MURDERED ON FLORIDA BEACH

Apparently Killed While Sleeping; Girl Raped

(The Associated Press)

Ormond, Fla., Aug. 15.—A [illegible] night [illegible] on the [illegible] beach for a young man and his date ended with the murder of both and the rape of the young woman, Sheriff Alex Littlefield said today.

The bodies of Gregory Blount, 23, of Lexington, Ky., and attractive, 24-year-old Mary Hucks of East Point, Ga., were found by a young boy wandering along the beach.

Sheriff Littlefield said Miss Huck's crumpled and bruised body, stripped of a scanty bathing suit, was found about 100 yards from where Blount lay as if asleep on a blanket.

"There is no doubt," said the sheriff, "that she was raped."

He said the physician who examined the bodies placed the time of the murders at around 9 p. m. last night and added, "from the indentations in the blanket both were asleep and Blount was shot first."

Reward Offered

Littlefield today offered $1000 reward "with no questions asked" for information leading to the arrest and conviction of the slayers.

The sheriff said reconstruction of the scene on the desolate beach, a half mile from the nearest dwelling, indicated that the murderer or murderers placed a pistol against Blount's head and fired.

Miss Hucks, awakened by the shot, sought to flee through the heavy sand but was run down by her assailants and dragged into a clump of palmetto brush amid the sands, the sheriff continued.

She put up a bitter struggle, Littlefield surmised, before meeting her death.

Sheriff Littlefield said, "We have some leads but we would be fools to give them away right now."

Earlier, Ormond Police Chief Roger Willis said tracks in the sand indicated two men participated in the double murder.

Girl Identified

Miss Hucks, employe of an Atlanta architectural firm, was identified by a roommate, Betty Godwin of Atlanta. The two girls shared vacation quarters here.

Sheriff Littlefield said Miss Hucks and Blount had become acquainted several days ago.

Blount's body was identified by David Cruise, a University of Kentucky friend.

Ormond is on the Florida east coast near Daytona Beach.

7778

KIDNAPPING, ASSAULT CHARGED:

Police Seek Gang That Attacked Matron Twice

BALTIMORE

Police were still searching for a band of young men, late Thursday, who, early Sunday, twice attacked a 26-year-old married woman who is mother of a daughter 6.

Police were given descriptions of the five men being sought after hearing the harrowing tale in the accident room of Provident Hospital, to which the matron was taken by her husband for medical treatment.

The victim is a Hoffman St. beautician and belongs to a prominent family, two members of which are in the public school system.

Kidnapped, Woman Says

Upon leaving a dance at the Odd Fellows Hall shortly after 1 a.m., Sunday morning, the matron and seven or eight friends hailed several "bootleg" cabs. The group was going to a party on McKean Ave.

After reaching the house, the beautician decided to go to her home and gave the driver her address. There were two other men in addition to the driver in the car.

When they had proceeded a short distance, the car was stopped and two more men climbed in, the report goes.

Once again the vehicle moved off, but when the driver started in a direction away from the matron's home, she protested.

Attacked by 5, She Says

It was at this point that the men forced her to the floor of the car as it was driven to a wooded area near a railroad line. There, the complaint charges, all five men attacked her, under threats of violence.

Brandishing a revolver to emphasize their threats, the men drove to a house in East Baltimore, the victim asserted, where one of them left, apparently to go home.

Seemingly not satisfied, the remaining four returned to the deserted spot, where each of them repeated the act, the beautician reported.

The motorist then drove to a point in the 600 block of Gilmor St., it was reported, where the victim was forced out and the automobile driven rapidly away.

Indicted on charges of aggravated rape was Kohlie Valdry Myers, 307 Butchardy, who was accused of a statutory offense with a 14-year-old Negro girl at 2222 Decatur on August 14.

Youth Gets Life Term For Rape Attempt

Baltimore, Sept. 25 (AP)—Samuel Palumbo, 17, was sentenced to life imprisonment today when he pleaded guilty to an attempt to rape a 15-year-old baby-sitter.

Judge Herman M. Moser imposed the sentence after hearing evidence that Palumbo broke into a home August 1 while the family was away and telephoned six agencies for a baby-sitter.

When the girl arrived he showed her upstairs, pulled a knife, and seized her. They fell down the stairway in the struggle the girl experienced.

Palumbo bound and gagged her, but neighbors had heard the commotion and called police.

Alleged Rapist To Face Jury

Man Arrested In Rape And Murder Case Held For Grand Jury

NORFOLK—Charged with what is generally considered one of the most shocking deeds in Norfolk's annals of crime, Johnnie Edward James, 31-year-old resident of Seaview Beach, last Saturday waived preliminary hearing in Police Court, and was ordered held for Corporation Court grand jury on a charge of committing the crime of sexual degeneracy that cost Miss Corine Jordan Daniels her life three days earlier.

The long arm of Norfolk's law enforcement agency reached out Friday evening and ensnared James, who, police charge with raping and killing Miss Daniels and then subjecting her dead body to degenerate and repulsive treatment.

The naked body of the victim was found early Wednesday morning of last week sprawled in a field in the 800 block of Goff street, and the intensive investigation was begun with Detective Sergeants Leon Nowitsky, L. L. Jones and E. M. Towe in the forefront.

"BLANKED OUT"

James was arrested Friday afternoon and brought by officials into First Precinct, where he was subjected to extensive questioning. He is said to have admitted being in the field in the 800 block of Goff street where the body of the victim was found, but stated that his mind "blanked out" and that he does not remember what happened.

During the questioning, it was revealed, James was grilled in connection with a similar rape murder which occurred in the same vicinity in February.

James' appearance in Police Court Saturday morning was delayed for an hour while he signed a statement in homicide headquarters on the top floor of the Police headquarters building. In court, he rapidly indicated that he wished to waive preliminary hearing and was rushed back to jail by Detectives Jones and Towe.

MANY SPECTATORS

An overflow crowd was on hand in the court to hear the defendant bound over to the grand jury by Police Justice L. H. Davis. Included among the spectators were many residents of the area in which both crimes occurred.

Tension reached a new high in the vicinity of the crime on Friday evening when James was brought by detectives to the site of the crime and at Police Headquarters, it is reported, he was identified by witnesses as having been the man seen in the area around the time of the crime.

JURY MEETS JULY 5

Having waived hearing, James was once more placed in jail to await consideration of the case by the Corporation Court grand jury, which begins sessions on Monday July 5.

Though no positive statements were made, police officials last week told the Guide that there is a "fool-proof" case prepared against the prisioner. No statements were forthcoming on the previous murder, however.

If the grand jury returns a true bill against James during its session and he is found guilty as charged, he will face possible execution, the supreme penalty in the State for murder.

Rape, Slaying Rock Family

PHILADELPHIA — Eli McCrimmon, 46, is dead and his brother-in-law is being held without bail as the result of a family fight which followed McCrimmon's arrest and release on a charge of statutory rape of his 14-year-old stepdaughter.

McCrimmon was arrested October 15 on a warrant obtained by his wife, Althea. He was held until last week and released. Returning home he threatened his wife and her child, police were told by witness, and then left the house. When he returned he was locked out.

Meanwhile Mrs. McCrimmon's brother, Joseph Brinkley, 40, a school teacher, had arrived and was in the house. When McCrimmon began to bang on the door, Brinkley armed himself with a rolling pin. In the encounter which ensued, McCrimmon was killed. Brinkley waited for the police and gave himself up.

OSSIPEE, N. H., Nov. 20.—(AP)—A suspicion of homicide charge was read today against a 46-year-old Negro woodchopper after nightlong questioning about "certain articles" which investigators said figured in the sex slaying of Ruth Eisenberg, 22.

Ralph Jennings was ordered held for 48 hours following his arrest in his Rochester home where County Solicitor Preston B. Smart said the articles were found. Smart declined to identify the articles.

The solicitor said Jennings had a criminal record going back more than 30 years and that he served three years in Maine after conviction.

Manacled to deputy sheriffs, Jennings remained outwardly calm during the swift arraignment in Ossipee Municipal Court.

The broken body of the Newark, N. J., child nurse and daughter of a school principal, was found by hunters Wednesday in a ditch grave in junk littered woods. A medical examiner said she was suffocated by a sex fiend who rammed her silk panties down her throat.

2 Men Sought in Rape Death

By the Press-Chicago Tribune Wire

BRISTOL, Conn.—Two men are being hunted as suspects in the rape and strangulation of Mrs. Lillian Rich Brackett, 42, of Plainville.

Her body was found in the yard of a rooming house here.

The owner of the rooming house, Mrs. [illegible] Lombardi, her son and another youth told police a macabre story of disinterring the body and clothing it in one of Mrs. Lombardi's dresses after Joseph W. Therrien, 22, and George St. James, 18, had told them they had raped and killed Mrs. Brackett and buried the body.

Therrien is a roomer in Mrs. Lombardi's house.

NAB FLEEING MAN AFTER MATRON IS ASSAULTED

27h(1)

[illegible] Bush of 2355 Hickory street, was credited with an assist Sunday evening in the arrest of [illegible] Smith (alias Sharp), 29 years old of 3321 LaSalle street. Bush was seen fighting with Smith by officers in a scout car and as Smith broke and ran, Bush told officers to catch that man. The officers soon nabbed Smith in a chase and returned to the scene. Bush told officers that Smith had just attacked a 39-year-old matron of the 3000 block of LaSalle street.

Upon investigation, officers were informed that Smith had forced his way into the home of the matron and attacked her criminally with the aid of a knife. Smith denied these statements, but witnesses around the house told of how the matron had ran out of her room clad only in a gown and begged for help. She was consoled by two of the other women in the house.

Smith had a previous record with the police showing that he had been arrested numerous time and once for the charge he is now facing.

Suspect Arrested In Nurse Slaying

Court Frees Man, 50, In Alleged Tenn. Attack

BY O. B. TAYLOR

KNOXVILLE, Tenn. (ANP) — George Dockery, 50-year-old janitor freed of an alleged rape of a young white woman at a preliminary trial before Judge Charles Kelly here Thursday because of what the jurist termed "unreasonable testimony" by the supposed victim.

Miss Mary Condell, 20, testified that the attack had been made upon her in her bedroom in a large rooming house during the early hours of the morning, two weeks ago. She identified Dockery as the man who entered her bedroom with a pistol and a flashlight.

Before hearing the testimony, Judge Kelley warned the huge crowd of Negroes and whites that "the serious charge of rape is before the court, and if there is any demonstration raised here by either white or Negro, you will at once be placed in jail."

In identifying Dickry, she said he told her she would be shot unless she stopped screaming.

"How loud did you scream?" asked the judge.

"At the top of my voice," the woman said.

"With all those inmates in that large rooming house, is it not strange that not a single man, woman or child heard you?" the judge querled. "How are you so sure Dockery is the one?"

The woman replied, "He told me he was the janitor next door," where-upon the judge observed, "It does not seem reasonable to the court that a man in the act of committing the most serious crime in the annals of this state should voluntarily identify himself."

Youth held for attempted rape of 8-year-old girl

Held to [illegible] after a preliminary hearing [illegible] confessed molesting an 8-year-old child to the child's mother.

Mrs. Ethelle Moore, of 2911 Second ave., told police Herbert LaSalle, a neighbor of 2911½ Second ave., had attempted to attack her last November.

Her daughter was spending the night with a girlfriend across from LaSalle's house when the [illegible] on the child was attempted Feb. 18. [illegible] screamed and LaSalle assertedly fled, going to Mrs. Moore and confessing he had just attempted to "do something horrible" to her daughter and was "terribly sorry".

Negro Cleared Of Rape Count

Owensboro, Ky., Sept. 23 (AP) — A Circuit Court jury today acquitted Frank Hatchett, 40, Negro, of a rape charge after about 10 minutes' deliberation.

Prosecution witnesses said under cross-examination that the white woman who had "identified" Hatchett as her assailant later admitted she never was positive in her identification.

Girl positively identifies man as South Park rapist

Positive identification by an Eastside woman resulted in a paroled sex offender being held to answer this week on a rape charge.

Bound over for superior court trial was Bertran Johnson, Jr., 23, 633 E. 54th st., identified last week by Miss Margaret Johnson, 27, [illegible] as the man who participated in a double rape of her four months before.

Miss Johnson brought about Johnson's arrest on Mar. 25 when she recognized him on the street and called police. Arresting officers said Johnson was vague in his denial on the charges and [illegible] admitting that he is on probation for a similar offense, declared:

"I think she has the wrong fellow . . . I don't remember ever doing anything to this girl."

Miss Johnson said she was walking home through South Park at about two a. m. Nov. 2 when a man jumped out of the bushes, grabbed her and dragged her back into the bushes. There, assisted by another man, he pulled off her slacks and both attacked her, threatening her with a knife the while.

Johnson admitted being in the vicinity of the attack, [illegible] although he works and lives in Oregon. Second of the attackers has never been apprehended.

77.79

Police Arrest Man On Assault Charge

Following a report Monday from a five-year-old girl that she had been criminally attacked, City Officers arrested Raleigh Mack, 17 of 237 B. Felton Drive. Wed.

The young girl who lived at a Felton drive address reportedly told her mother that Mack called her upstairs where he forcibly attacked her. Her story was said to have been corroborated by another five-year-old tot. 1-4-48

Shoe Shop Owner Indicted On Charge Of Criminal Assault

City Detective W. L. Gower disclosed Thursday that 53-year-old Oscar Strickland, shoe shop proprietor, had been indicted by a grand jury on a charge of criminally assaulting a nine-year-old Negro girl of Airline St., N. E.

The detective related that the accused person operates a shoe shop at Howell and Irwin Sts. 3-24-48

The young girl is alleged to have been attacked in the shop and upon her return home, informed heer mother. An examination substantiated the charge that the young girl had been physically contacted, the detective stated.

Date of trial of the accused had not been slated Thursday.

Woman Reports Assault By Man Posing As Cabbie

A 30-year-old Mason Avenue woman reported to police Saturday that an unknown man posing as a taxi driver carried her to a spot believed to be Stewart Avenue Friday night and criminally attacked her three times. Daily World

The woman said she was waiting at Glenn and McDaniel Sts., Friday afternoon when a blue car drove up and the driver asked her if she wanted a cab. She said she told him she did, got into the car and told him to take her home.

When he started in the wrong direction, the woman said she called it to his attention and his reply was "keep quiet" as he snarled to her over a gun barrel. Sun.

The woman said the driver carried her to a clump of woods and when she offered resistance to his demand to get out of the car, he beat her severely about the face. 1-13-48

The driver is alleged to have kept her in the woods several hours.

PICKED UP HIKER

On the trip back to town, the woman said the driver picked up a white hitch-hiker. When she gave the hitch-hiker a sign of distress, she said the driver pulled his gun on the man and made him leave the car. 27h(1)

Remarks of the hitch-hiker upon leaving the car was that he was going to call police, the woman reported. Daily World

The woman said the driver told her he was an escaped convict and the car he was driving belonged to the warden. Atlanta, Ga.

After the woman was put out of the car by the driver, she was reportedly picked up by an ambulance and carried to Grady hospital for treatment. She was said to suffer a closed eye, and injuries about the face, left side, and stomach. Sun.

She said the driver kept her for approximately 10 hours. 1-19-48

He was described as being over six feet in height, heavy statue and was wearing blue overalls, a brown leather jacket lined with wool and a dark colored hat.

Three Youths Bound Over On Criminal Assault Charges

City Detective W. M. Holland disclosed that three youths Wednesday were bound over to Fulton Superior court on charges of criminal assault after they had been identified by a 17-year-old Whitehall terrace girl as the persons who attacked her Sunday night. Atlanta, Ga.

The youths were: Moses Bryant, 17, of rear 600 Whitehall terrace; Elmer Garrison Jr., 16, of 470 Beard St., S. W.; and Eddie Davis, 16, of 475 Beard St., S. W. Thurs. 5-27-48

According to the detective, the alleged victim claimed she was attacked off McDaniel Street.

At Wednesday's hearing neither of the youths offered words in their defense, Detective Holland related, adding that all three had signed confessions of their participation in the alleged crime.

Night Prowler Molests Girl, Shoots Father

The Constitution Atlanta, Ga.

Atlanta police Saturday were holding a Negro charged with suspicion of attempting to criminally assault an 18-year-old girl and shooting her father. Sun.

The father, J. D. Flynn, 687 Tumlin St., N. W., told police he was awakened about 1:30 a. m. Saturday by the screams of his daughter, Thelma, in an adjoining bedroom, police reported.

He and Mrs. Flynn rushed to her aid, a Negro disappearing over the window sill, Flynn told police. He grabbed the Negro's coat, tearing it, but the Negro fired a shot into Flynn's hand and escaped, police said. 4-11-48

A short while later, police said they traced the Negro to 715 Tifton St., N. W., where he was arrested by Radio Patrolmen L. S. West and L. A. Schnall, Lt. W. L. Jay and Patrolman C. L. Walker. The officers said they found the Negro's coat torn and a pistol on the premises with one shot fired.

The Negro, Henry Davis, 18, is in police custody. He is said to have awakened the Flynn girl by attempting to assault her in her bed, police said. Police said he was positively identified by the girl and her parents.

Accused Of Assault, Man Goes On Trial

Daily World Atlanta, Ga.

Oscar Strickland, 53-year-old shoe shop proprietor, went on trial in Fulton Superior court Monday, charged with criminally attacking a nine-year-old girl. 27h(1)

Following Monday's session of the trial during which the fifth-grade school pupil, her mother and the examining physician gave testimony Presiding Judge E. E. Andrews recessed the trial until this morning.

Wearing a pink ribbon in her hair the petit youngster strode stately to the witness stand and related with distinct articulation her version of what she claimed happened. Sun.

She told the court she was assaulted by the defendant at his shop, located on Irwin St., near Howell St.

Two yong girls—one six-years-old, the other, nine—were reported to have been the victims of criminal assault and attempted criminal assault during the week-end. 4-26-48

The alleged attacker of the nine-year old girl was said to have entered her bedroom on Sunday night and committed rape and sodomy while the latter youngster claimed her 40-year-old father was the perpetrator in an attempt charge. The latter youngster was said to have been examined and found to have social disease.

Two Men Are Sought In Attack Upon Girl

Atlanta Constitution Wed. 5-5-48

ATLANTA—(AP)—Fulton County police sought two men Tuesday on a charge of enticing two girls from the bus station and criminally assaulting one of them.

Capt. Fred Bradford said the girls were 19 and 21, one from Birmingham, Ala., and the other from Chattanooga, Tenn. Herald Tribune

He added that the men, one in a soldier's uniform, got acquainted with the girls while they were waiting at the bus station and induced them to go for a ride. He said the girls had tickets for Knoxville, Tenn.

The actions of the men frightened the girls, Bradford said, and the one from Birmingham jumped out of the automobile. The car sped on with the Chattanooga girl, and Capt. Bradford reported she was assaulted outside the city limits.

Cobbler Sentenced On Assault Charge

Daily World Atlanta, Ga. 27h(1)

Oscar Strickland, 53-year-old shoe shop proprietor, was meted a 12 months sentence on the public works Tuesday when the trial jury found him guilty of statutory rape with recommendation of misdemeanor punishment. 4-14-48

The defendant had been indicted on charges of criminal assault and criminal assault on a nine-year old Negro girl. The alleged crime was said to have occurred last March 15 at his shop, located on Irwin St., near Howell St.

A large number of character witnesses appeared in behalf of the defendant who is said to be a deacon in a local church. Among those were his pastor and several whites.

Defense Attorney W. F. Buchanan argued that the charge was preposterous and impossible according to details related by the youngster. He claimed it was a figment of her imagination. Wed.

Evidence that the youngster had been physically contacted was given by a Grady physician.

Motion for a new trial was made immediately by the defense and granted by Presiding Judge E. E. Andrews.

Arrest Youth As Suspect In Assault Attempt Saturday

Daily World Atlanta, Ga.

Officers L. S. West and L. A. Schnall Saturday reported the arrest of Henry (Pap) Davis, 18, of 715 Tifton St., as a suspect in an attempted criminal assault charge after the alleged victim, an 11-year-old white girl, made her claim to them early Saturday, police reports said. 27h(1) Sun.

An additional charge of attempted murder was placed against Davis, when the father of the alleged victim reportedly claimed he was shot by the intruder which entered his daughter's bedroom.

Police said the father claimed he was shot in the hand by the intruder as he grappled to hold him for arriving police.

Although the intruder was said to have escaped from the girl's bedroom, police said they arrested Davis when someone claimed to have seen him near the scene shortly after the reported charge.

REVOLVER QUESTIONED

Police claimed to have found a revolver at Davis, residence. The youth's mother, however, said she did not see the officers remove a revolver from her house.

She stated firmly that she believed her son to be innocent of the charge. She is the mother of eight other children who were left with her by their father a year ago, the mother said.

During the alarm put out for the alleged suspect which entered the young girl's room, Officer C. E. Strickland reported arresting three other Negroes in the vicinity. In checking their identities, he said a fourth person ran from the car in which they were riding.

The arrested persons were: Tom Daniel, 50, Janie Hawkshaw, 32, and Calhoun Robinson, 60, all of Rt. 1, Marietta, Ga. They were arrested are suspects of shooting another, the officer reported.

Reports from police headquarters showed them still confined at the city jail Saturday night, in spite of Davis, arrest.

Carroll Girl, 13, Identifies Husky Farmer As Man Who Criminally Assaulted Her

CARROLLTON—(AP)—A husky, 30-year-old Negro farmer charged with criminally assaulting a 13-year-old white farm girl has been identified by the girl and six companions, Capt. W. C. McLemore reported last night.

The head of the Georgia Bureau of Investigation said the Negro has been arrested at his home near Roopville and charged with criminal assault. He named the man as Lawyer Hicks and described him as "tremendous in size and strength."

McLemore said there was a "marked similarity" in this crime and three other recent criminal assaults and one attempted such crime in the County. In the attempt, Carl Stevens, Jr., a Georgia Tech student, was shot to death last Sunday night as he sought to shield his 19-year-old date from the assailant.

The GBI head said Hicks was being closely investigated in the Stevens slaying. Several other Negroes and a young white sawmill worker are also held for investigation.

McLemore gave this account of the criminal assault of the 13-year-old girl:

She and another girl and five farm youths, ranging in age up to 22, were walking home along a country road at night about six weeks ago. They were accosted by an armed and masked man who forced all to lie face down on the ground.

The girl and one of the boys were separated from their companions and the girl criminally assaulted.

The officer said some of the group thought they recognized a peculiarity in the speech of the assailant and this clue led to the arrest of Hicks.

All identified Hicks' voice when he was brought before them after his arrest, McLemore said.

7780

SOLDIER'S LIFE SENTENCE REDUCED TO 30 YEARS

August 19, 1948

NEW YORK, Aug. 19.-- The Department of the Army has informed the NAACP that the sentence of life imprisonment levied against former Pvt. Linwood Williams, for allegedly having attacked a German woman, has been reduced to 30 years. Williams had appealed to the NAACP for assistance through his family in Oakland, California. Acting upon this appeal, the Association, through its attorneys, intervened before the Department of the Army and was successful in obtaining the stated reduction of sentence.

SOLDIER'S SENTENCE, ORGINALLY DEATH, DOWN TO 18 YEARS

August 19, 1948

NEW YORK, Aug. 19.-- A sentence of 30 years' imprisonment against General Prisoner Luster Wright, a former serviceman from Cleveland, Ohio, has been reduced to 18 years, according to information sent to the NAACP by the Department of the Army. This case was first called to the attention of the NAACP by the parents of Pvt. Wright in April, 1945. Wright had been given a sentence of death for allegedly having attacked two German women. As a result of the NAACP's action in the matter, the death sentence was set aside, was subsequently reduced to 30 years and has again been reduced to 18 years imprisonment.

7781

Charges Of Wild Sex Orgies Hold Rich Merchant

(27h(1)) Amst Pending laws New York, N.Y. Sat. 7-17-48

CHICAGO A(NP)—A strange story of rape and sexual horror was told by a white divorcee to Chicago police last week as she filed suit for $250,000 damages against a wealthy Negro furniture store operator in superior court.

Miss Helen Trepac, 28, in this suit, accused Maurice Scott, 43, owner of the Maurice L & S Scott furniture warehouse on the near south side, of beating, attacking and torturing her for three days in his apartment. 7-17-48

Her suit, filed by Atty. J. W. Horwitz, claims that Scott forced her to go naked before his employes.

Scott and the two employes, Albert J. Brown, 24, and Frank Martin, 34, have already been indicted by a grand jury, and are scheduled to appear before Chief Criminal Judge Cornelius J. Harrington this week.

According to the woman's story she first came up to Scott's firm to store her furniture after obtaining her divorce. She had broken up her apartment and gone to live with her parents. Manhattan Mercury

When she dropped by the warehouse May 19 to pick up some of the furniture, Scott told her he wanted to show her something on the second floor which turned out to be his apartment. Hudson, NJ

There she saw a red haired woman who told her to submit to Scott in order "to be treated well." After the other girl left, Miss Trepac said, Scott beat her when she tried to leave, too. 7-17-48

She did not get out of his apartment for three days she said, until he went away to New York on business. She went straight to the police then.

During those three days he is supposed to have beaten her, ripped off her clothes and raped her in front of employes, bathed her and taken her to his bed, according to her story.

7782

Rape, Robbery Charges Jail Five Youths Here

27h(1) Ky
The Courier Journal
Louisville, Ky.
Mon. 4-26-48

Five Negro youths were in jail here yesterday after an alleged robbery, rape, and brick-throwing melee on Oldham near Seventh.

A 24-year-old white woman and her companion, S2c Sam Frodge, 622 Bruce, told police one youth grabbed her purse as they were walking on Oldham around 2 a.m. Saturday, and knocked her down, while another knocked Frodge unconscious. The woman said one youth held her while another assaulted her.

Police found the woman's purse, containing a watch and $5, at the home of Henry Martin, 17, of 808 W. St. Catherine. Other youths arrested on a charge of robbery and banding together were George Hampton, Jr., 18, of 1128 S. Seventh, rear; Lee Osborne, 18, Bell's Lane; John Woodson, 18, of 1453 Leyering, and Charles Majors, 21, of 720 Oldham. Majors also was charged with rape.

The five youths told police the woman and Frodge were sitting on the curb drunk. When Frodge cursed them, they said, a fight ensued. One of the youths admitted he grabbed the woman but denied assaulting her.

Hotel Valet Held In Rape Of Woman

The Courier-Journal
Louisville, Ky.
Thurs. 6-10-48
27h(1) Ky

A Negro valet at the Seelbach Hotel was arrested yesterday on a rape warrant taken out by a hotel guest.

Detectives said the valet, John S. Foster, 31, of 1324 W. Chestnut, assaulted an attractive 28-year-old woman while she slept in her room. Her husband, a soldier recently returned from overseas, had left the room a few minutes earlier.

The assault, the woman told police, took place when Foster returned to the room with some clothing he had picked up earlier in the day.

Expected Him to Return.

She told detectives the door was unlocked and that she had left it unlocked because she expected Foster to return the clothing.

6-10-48

When Foster's actions awakened her she screamed, and he ran, she told Detectives Eugene Burch and Joseph Ruter. The dence.

Bonds were fixed at $500 each for the two accused men.

Pineville Man Charged With Rape and Robbery

Courier-Journal
27h(1)
Louisville Ky

Corbin, Ky., Sept. 1 (AP)—Sheriff Sanford Blankenship announced the arrest early today of Austin Pogue, 21, Pineville Negro, on rape and robbery charges.

The sheriff said Pogue was in Laurel County Jail after bloodhounds tracked him to a house in Corbin.

Pogue entered the home of two sisters near Corbin about 2 a.m. today, Blankenship said, knocked one unconscious, raped the other, and robbed them of $300.

Blankenship said $600 was in four purses at the house where Pogue was found and 18 other purses were scattered about the house.

Bond $500 Each For Two Men Accused Of Rape

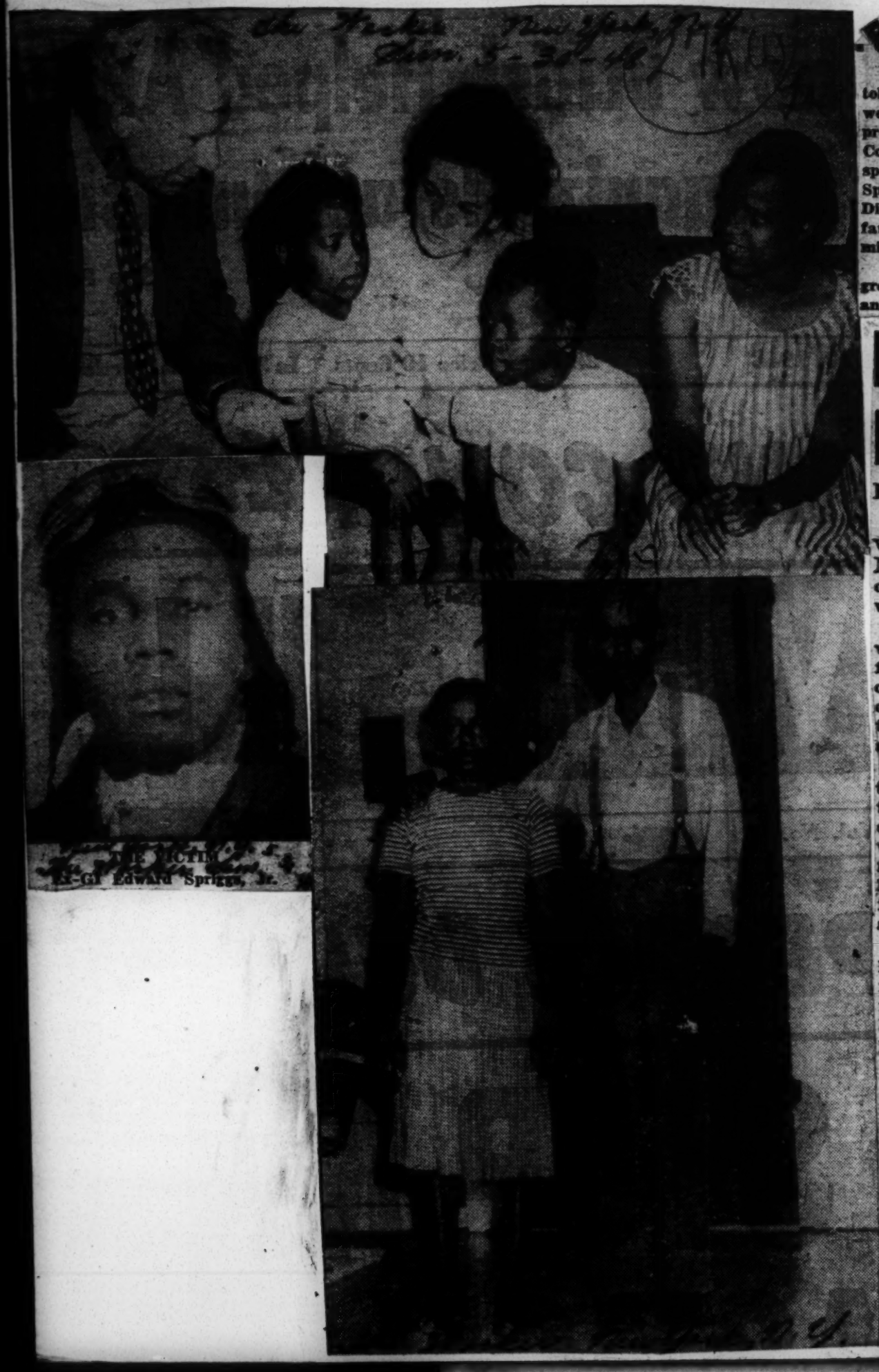
27h(1)
Louisville Courier-Journal
Louisville, Ky.
Sept. 4-1948

Clarence Anderson, 329 S. 13th st., and Alonzo "Smallboy" Dorsey, 30, Negro, waived for the grand jury November 3 on charges of rape. They pleaded not guilty. They were arrested on warrants sworn to by Miss Loraine Cole of 704 Cedar st. A rape charge against Lee S. Johnson, 3430 Greenwood ave., was dismissed after Miss Cole told the court she was mistaken in the identity of Johnson and confused him with Dorsey.

6-28-48

According to the woman, she was "picked up" in a downtown beer joint and forced to accompany Anderson and Dorsey to a rooming house where both raped her. She displayed her torn dress and underwear in court as evi-

7783



Ex-GI Edward Spriggs, Jr.

Family of a Frame-up Victim

The Worker

WHEN A MIDDLE-AGED WHITE WOMAN, Mrs. A. C. Wise, told police of Baton Rouge, La., that she had been raped by a Negro wearing a white shirt, blue pants and having a gold tooth, they promptly picked up Edward Spriggs Jr., a World War II Army Air Corps veteran with one and a half years of action. Spriggs was speedily indicted by an all-white grand jury. Photo above shows Spriggs' wife and two children talking with Federated Press reporters Dillard Oakes and Arline Schneider. At right, Spriggs' mother and father on the porch of their neat home, 1820 Haase Street, Plaquemine, La. New York, N.Y. Sun. 5-30-48

Defense attorneys ask that the indictment be quashed on the grounds that there were no Negroes on the jury which drew it up, and that it fails to state the time and place of the alleged crime.

Negro Vet Jailed on Phony Rape Charge

2760 The Worker New York, N. Y.

By Dillard Oakes

BATON ROUGE, La. (FP). — Authorities here don't want any publicity on the case of Edward Spriggs Jr., young Negro veteran accused of "aggravated rape" on the person of Mrs. A. C. Wise, a middle-aged white woman. Sun.

When this reporter tried to interview Spriggs in the jail here, hard-featured jailer J. B. Sevario declared: "No reporters, no members of the press, are permitted to visit this prisoner. Only his attorneys and members of his family."

Sevario said I might be allowed to interview Spriggs if I got written permission from E. P. Blanchard, sheriff of Iberville parish, where the alleged crime was committed. But when I traveled to Plaquemine and made the request in person to Blanchard, the answer was still No.

"We won't allow no interviews," he shouted at me. "We don't want no publicity, we won't give you nothin'. We want this case to be handled quiet and without no newspapers." 5-23-48

★

THE SHERIFF had been lolling in a swivel-chair, his feet on his desk, when I entered the office, but he stood up to deliver the shouted ultimatum. There was nothing to do but return to Baton Rouge and consult Spriggs' lawyers, who are fighting the case in an aggressive manner which has local "white supremacy" forces worried.

The defense attorneys have filed a motion to quash the indictment against Spriggs, charging that there were no Negroes on the grand jury which drew it up and that the indictment does not state the time and place of the alleged crime. No such motion has ever been presented in thhe parish of Iberville.

Spriggs, whose conviction would carry with it a mandatory death sentence, was arrested the afternoon of April 5. Mrs. Wise told police she had been raped that morning and described the assailant as a Negro wearing a white shirt, blue pants and having a gold tooth. At once police began scouring the parish for suspects. Third man picked up was Spriggs, who was not wearing the described clothing, but does have a gold tooth.

The Worker

THE YOUNG VET was in town all morning when the crime allegedly took place. He went to the courthouse to sign for his "52-20" check, was in and out of several stores and offices, spoke to several friends and helped a young man load some pipes on a truck.

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However, according to reports given this writer, bloodhounds which were given the scent of the rapist at the woman's home followed it to the house of a neighboring white man. When Spriggs' shirt was tossed to the dogs, they simply turned away.

Spriggs has a wife and two small daughters. 5-23-48

NEGROES CONFESS MURDER, ATTACKS

Brothers Admit Slaying and Rape Near Melville

(International News Service)

Opelousas, La., July 12.—Two negro brothers have confessed to the Sunday morning murder of retired Naval Lieutenant Albert B. Couvillion, and the rape of his woman companion, it was announced from the office of St. Landry Parish Sheriff Clayton J. Gilbeau.

The pair, Mathews Cooks, 35, and his brother Joseph, 28, are both residents of the nearby area, deputies said.

Deputy Ben Shexnayder said Joseph had dictated a confession to officers in the search. Mathews' confession followed, Shexnayder said.

Mathews Cook was one of the negroes captured yesterday.

The story, as told to police and District Attorney Seth Lewis, indicted that the 21-year-old married woman and Couvillion had been attacked by the Negroes as they stopped near Melville after leaving a nightclub "for a ride" down the levee road.

CRIME STARTS MANHUNT.

The crime had touched off what hunt in the history of the parish, after the raps victim had reported at the farm home of Steve Duplechain, near the scene.

Upwards of 500 St. Landry parish people joined sheriff's deputies and officers in the search.

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Couvillion Severely Beaten.

Two Negroes, the woman reported, had held them up and ordered her to drive them to Krotz Springs. Enroute they forced her to drive down a wooded lane where they clubbed Couvillion, forced her further into the woods and raped her in turn.

She said both Negroes were armed with guns but did not report hearing shots.

Couvillion's body bore marks from two pistol shots in the back and evidence of a severe beating about the head.

Gilbeau said an autopsy was to be performed.

tacked her on April 23, 1947, at Independence.

The woman and her son went to the parish jail here Saturday where the Negro was placed following his return from Forrest City, Ark., Friday night. They asserted that the Negro was the attacker.

Deputy Sheriff Walter Gill, chief law enforcement deputy to Sheriff Thomas Sanders of Tangipahoa parish, said Lloyd is held in solitary confinement and probably will not be tried until the fall term of court. He is under indictment on a charge of aggravated rape.

JAILERS BAR REPORTER FROM SEEING FRAMED NEGRO

Daily Worker

By Dillard Oakes

BATON ROUGE, La., May 12 (FP).—Authorities here don't want any publicity on the case of Edward Spriggs, Jr., young Negro veteran accused of "aggravated rape" on the person of Mrs. A. C. Wise, a middle-aged white woman.

When this reporter tried to interview Spriggs in the jail here, hard-featured jailer J. B. Severio declared: "No reporters, no members of the press, are permitted to visit this prisoner. Only his attorneys and members of his family."

Severio said I might be allowed to interview Spriggs if I got written permission from E. P. Blanchard, sheriff of Iberville parish, where the alleged crime was committed. But when I traveled to Plaquemine and made the request in person to Blanchard, the answer was still No.

"We won't allow no interviews," he shouted at me. "We don't want no publicity, we won't give you nothin'. We want this case to be handled quiet and without no newspapers."

Thurs. 5-13-48

SHOUTS ULTIMATUM

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WOMAN IDENTIFIES ALLEGED ATTACKER

(Special to The Daily Worker)

Amite, La., Aug. 8—A 66-year-old Independence white woman and her son have identified L. C. Lloyd, 33, Negro of Franklinton, as the man who criminally at-

7784

Detroit Doctor Nabbed on Series of Charges

Gets Year on Alimony Count; Wife Says He Sired Child by White Aide; Denies Attack

DETROIT — Facing trials on charges of criminal assault, abortion, and obstruction of justice, Dr. Henslee E. Tann, 41, of 223 Horton St., was sentenced last week by Circuit Judge Guy A. Miller to a year in the Detroit House of Correction for non-payment of $400 alimony.

Dr. Tann can obtain his release at any time by paying the money for support of his estranged wife, Frances and their five-year-old daughter, Monica.

The court told him: "If you have money enough to play around and defend yourself in criminal cases, you can support your wife and family. If and when you get out of jail, if you don't pay the next $150 installments, back you will go."

Report on Earnings

A report to the court showed Dr. Tann's income was $2,000 a week, and listed $38,000 earnings in July and August of 1946.

Mrs. Tann's suit charging non-support and asking for separate maintenance is pending.

Canadian Girl Files Charge

Dr. Tann, who was out on $10,000 bond on the obstruction of justice charge, was arrested on the complaint of a 25-year-old Canadian white woman who accused him of criminally attacking her in his office.

The woman said she had gone to the doctor's office for an abortion, and the physician assaulted her during the examination.

He denied the charges, telling police that the woman had offered him money for an abortion, and when he refused, lodged the charge against him.

White Aide Held

Following his arraignment in Recorder's court, Dr. Tann was placed under bond of $50,000. Unable to raise the money, he was remanded to the county jail.

At the same time his white assistant, Miss Jean Carpenter, 22, who has been named by Mrs. Tann as the mother of her husband's illigitimate child, stood mute on arraignment in Recorder's Court on charges of abortion. She is free under $5,000 bond.

Miss Carpenter and Dr. Tann were scheduled to be tried as co-defendants on Jan. 29.

The obstruction of justice charge grew out of an abortion charge on which Dr. Tann was acquitted last February.

Involves 2 Detectives

Dr. Tann staged two lively sessions in Recorder's Court last Friday morning before his trial on an abortion charge began. He stunned the court by shouting that he had given $1000 to two homicide detectives, and charged that he was being persecuted.

His first attorney, Edward Barnard, also said in a prepared statement, following his client's arrest on complaint of the Canadian woman, he was convinced the physician was being persecuted.

Lawyers Withdraw

Shortly before issuing the statement, Barnard withdrew from the case, telling the court that he had too many cases. Barnard was counsel for Dr. Tann in two previous abortion cases in which the defendant was exonerated.

Joseph Brown, who been named counsel on Thursday, withdrew Friday, telling Presiding Judge Joseph A. Gillis that Dr. Tann wanted to make a statement to the court.

"I can't let him while I'm his attorney," Brown said. "I don't want to be held in disrepute."

Ignores Court, Talks

Disregarding Judge Gillis' advice against a statement on the ground that he might incriminate himself, Dr. Tann asked first that Det. Arthur Glover be ordered to remove his gun. The request was denied. The physician then declared:

"I have paid certain monies to Mr. Glover and to Mr. Sheehy (Det. Lawrence Sheehy,) $750 to their attorney, and also $250 to them personally, to take care of the beginning of all this trouble, this little abortion case in which I've been falsely accused.

Judge Gillis interrupted to point out that Dr. Tann was admitting a further crime and a conference was held in his chambers.

Police Seeking Record Man In Rape Case

DETROIT, Michigan (Special)

The Detroit Police Department was still on the outlook Tuesday night for a record salesman who made a "record" on Monday evening when he raped, tied up, clubbed, kicked, and robbed a 40 year old woman in twenty minutes.

The victim told police this story: A man knocked on her apartment door about 6:10 p. m. on Monday and said he was selling records. After admitting him, he asked to use the batnroom. Upon coming out, the salesman pulled out a nickel-plated revolver, told her to get in bed and raped her.

"You put your husband in jail and I ought to kill you," the attacker threatened, as he went to a closet, got two neckties and tied her up. Then he clubbed her on the head with the gun and kicked her about the body.

Going to a dresser, the assaulter rifled her purse of $11, took two diamond rings (one white and one yellow gold), keys to the apartment, and a 21-jeweled wrist watch from her arm. He then cut the telephone wires and made his escape.

Hutchinson returned home later in the evening and found Guarascio and the girl drinking together. Mrs. Hutchinson was accused of permitting the drinking to continue in her presence.

Baby Sitter's Assaulter Found Guilty

John Guarascio, 31, of 3273 Lehman, [illegible] was found guilty Wednesday of the statutory rape of a 13-year-old baby-sitter.

A jury in the court of Recorder's Judge John P. Scallen deliberated an hour and 15 minutes.

Guarascio, father of two children, will be sentenced Nov. 24.

* * *

THE GIRL accused Guarascio of raping her while she was employed at the home of Mrs. Yota Hutchinson, 26, of 11444 Gable.

Mrs. Hutchinson, a friend of Guarascio's recently was placed on two year's probation for contributing to the girl's delinquency.

According to testimony, Mrs.

7786

Young Pregnant Girl Fails to Prove Sensational Charge

Black Dispatch Oklahoma City, Okla. Sat. 7-24-48

Brooklyn Pastor Charged With Rape On Three Previous Times

BROOKLYN — (ANP) — For the fourth time since becoming pastor of the Holy Trinity Baptist church and a resident of this borough nearly 30-years ago, the Rev. Thomas S. Harten has been arrested and later cleared of charges of rape allegedly committed against various youths of his congregation. 27h(1)-

In each of these events down through the years charges were dismissed because of the lack of evidences. Such was the case in felony court here this week when 13-year-old Rita Taylor failed to prove just how Rev. Harten allegedly forced his intentions upon her. 7-24-48

Arrested on complaint of the girls mother and father, Harten was charged with attacking the child in the church's community center while she and a friend were playing a piano. The child, now in stage of pregnacy, failed to report the incident to her mother promptly and as a result a doctor representing the Children's Aid society was unable to determine if the pregnancy was a result of her reported attack.

When the charges were preferred against him, Rev. Harten said that he had been framed. At the trial he was asked by one reporter if he knew the motive of those who attempted to undermine him. He said definitely he did.

The trial was helded before Magistrate Mathew Fagins and was in progress for five hours until a report from the Children's Aid society doctor was obtained.

Two Harlem Killers To Die In Chair

Journal-American Sat. 8-21-48 27h(1)

NEW YORK — (ANP) — Death in the electric chair at Sing Sing Prison was demanded for two young Harlemites this week by Asst. Dist. Atty. James Yeargin who described the accused kill-

ers as "the most vicious it has been my duty to prosecute."

The defendants, Louis "Big Head" Smiley, 18, and Marvin "Luke" Dukes, 22, are charged with the brutal slaying of a minister's daughter, Mildred McNeil. Before shoving the 20-year-old victim off a 6-story roof, witnesses claimed, Smiley, Dukes and two other youths raped Miss McNeil and attempted to force her to indulge in acts of perversion.

Police traced the murder to Smiley, it was testified, after finding a Mexican coin clutched in Mildred's right hand.

3 Youths Held In Assault on Man and Girl

New York Mirror Sat. 8-21-48 27h(1)

He Is Knifed in the Chest in Park in Bronx; Trio Flee When Fiancee Screams

New York Herald Tribune

Three alleged attackers of a young couple planning a honeymoon as they rested in a small park in the Bronx early yesterday were arraigned in Bronx Magistrate's Court yesterday on charges of felonious assault and attempted rape. Magistrate Simon Silver held Ellsworth Lynch, twenty-one, of 123 West 142d Street, without bail for a hearing Aug. 30 and admitted his co-defendants to $10,000 bail.

The latter said they were Bobby Sams, nineteen, of 47 West 139th Street, and Luther Montgomery, eighteen, of 2041 Fifth Avenue.

The victims were Samuel Pacifico, twenty-six, of 1739 Sixty-sixth Street, Brooklyn, who is in Morrisania Hospital with knife wounds in his chest, and Rose Salamone, his twenty-two-year-old fiancee, of 319 East 135th Street, who was treated for shock.

According to police, Mr. Pacifico and Miss Salamone were in a park at Grand Concourse and 138th Street, the Bronx, when they were attacked by the trio. Miss Salamone screemed and the men fled but a taxi driver saw and trailed them. He picked up two detectives who seized the three at 138th Street and Third Avenue.

thaught she recognized one as the man who attacked her.

Mr. Pacifico was not certain in his identification of the men police said, but his financee said that she

7787

Pastor Under $500 Bail In Rape Case; Hearing Goes On

BROOKLYN (NNPA)

Rev. Thomas S. Harten, pastor of Holy Trinity Baptist Church, who is charged with raping a 13-year-old girl, was continued in $500 bail in Felony Court here last week.

One of the witnesses against him was absent because of her graduation from an elementary school.

Magistrate F. X. Masterson continued the hearing until July 9. Prosecuting attorneys and attorneys for Rev. Mr. Harten went into a huddle with the magistrate and then abruptly left the courtroom.

At the time, the courtroom was packed. The crowd, expecting a sensational hearing, followed Rev. Harten and his lawyers into the lobby of the courthouse, not knowing the case had been continued. They crowded around the alleged victim, who informed them the hearing had been postponed until July 9.

The alleged victim appeared to be unusually developed for her age. She is about five feet seven inches tall and weighs about 150 pounds.

The rape is alleged to have occurred June 8 in Rev. Harten's office after the pastor had sent one of the two girls to buy a newspaper. When she returned with the paper, she is said to have found Rev. Harten closeted in his inner office with the other girl.

Policeman Shoots Man Attempting Escape After Arrest In Rape

A man who said he was Francis Johnson, 27, of 27 West 128th street, was shot and captured by a patrolman Sunday night after he had knocked the officer down twice when the latter sought to arrest him for attempted rape of a 48-year-old woman.

According to Patrolman Thomas Gibson, Johnson forced Mrs. Willa Clark, of 75 East 127th street, to the roof of a five-story tenement at 334 Lenox avenue and attacked her. Neighbors hearing the woman's scream called police and when Patrolman Gibson attempted to arrest Johnson he was knocked down. Johnson fled.

The policeman said he overtook his quarry at 131st street, six blocks away and was again knocked down by Johnson. The patrolman then drew his gun and shot Johnson through the right arm and side. Removed to Harlem Hospital for treatment, Johnson was booked on charges of rape and felonious assault and then transferred to the prison ward of Bellevue Hospital.

Rev. Thomas S. Harten Acquitted Of Charges Of Rape Lodged By Parents Of A 13-Year-Old Girl

Wins Acquittal

The Rev. Thomas S. Harten, pastor of the Holy Trinity Baptist Church and head of the Open Door Community Center, both of 482 Franklin avenue, Brooklyn, was cleared of all charges in Brooklyn Felony Court, last Friday morning, following a hearing on charges of first degree rape lodged against him by parents of a 13-year-old girl.

Parents of the girl had accused Rev. Harten of criminally assaulting their daughter on June 8th while she was at the center practicing on the piano. On June 21st, Rev. Harten was arrested and beked on the charges and released for further hearing.

The minister was cleared of the charges when Magistrate Fagin, acting on a motion for dismissal made by the defense counsel, Charles Pokorny, pointed out that the reported pregnant condition of the girl more than two months would place the time of conception in April and the specific date of the alleged attack was less than two months. This came after Dr. Leo Berger of the medical staff of the Brooklyn Society for the Prevention of Cruelty of Children, testified that he had examined the girl [illegible] in June and found her to be in a possible pregnancy of two or three months.

When he was arrested, Dr. Harten told the press that the charges were a frame-up and he protested his innocence saying that he was confident of his acquittal.

REV. THOMAS S. HARTEN

After his exoneration, Rev. Harten said: "I told you what would happen. I am still more alive than ever before. The headlines have added ten years to my life. I have been exonerated from the lies coming from my accusers."

200 POLICE SEEKING BROOKLYN SLAYER

Rape and Murder of Spinster, 80, In Her Apartment Laid to Man in Late Twenties

Stirred by the wanton slaying of an 80-year-old spinster, Police Commissioner Arthur W. Wallander sent 200 policemen, one of the largest crime details in recent years, into the Bedford section of Brooklyn yesterday. The police head went to the scene to take personal command of the detectives and plainclothes men.

The victim, small, white-haired Miss Mary Gray, was found at 4:15 A. M. on a daybed in the living room of her immaculate four-room attic apartment at 17 Madison Street. Nine stab wounds, believed inflicted with a four-inch-blade switch knife, were on the body. An autopsy showed that the woman had been criminally assaulted before being murdered.

Residents led by Msgr. John L. Belford of the Roman Catholic Church of the Nativity demanded an immediate clean-up of conditions in the neighborhood. The rectory at 20 Madison Street is almost directly across the street from the four-story brownstone where the murder was committed.

By a matter of minutes the aged woman might have been spared. Policemen in three radio cars, summoned by another tenant, had searched in vain for an intruder seen twice earlier loitering near the building. The police group left at 4:10 A. M.

A description of the slayer was supplied by the tenant, Mrs. Mary O'Reilly, 33 years old, who with her son John, 14, occupies the basement and parlor (first) floor at No. 17. She had seen the murderer as the street light in front of the rectory shone full on his face. He was, she said, a light-skinned Negro in his late twenties, tall and with a thin face. She estimated his height at nearly six feet and his weight at 150 pounds. He was dressed, she said, in a tan sports shirt buttoned up to the neck and a tan sports jacket with harmonizing handkerchief.

At 3:45 A. M. Mrs. O'Reilly had been awakened by a noise. She went to her front window and found it partly raised. A young Negro stood on the stoop.

"Who are you and what are you doing here?" she demanded.

He told her he was "looking for Marie," adding: "Sorry, lady, I didn't know white folks lived here."

She ordered him away.

A few minutes later Mrs. O'Reilly—whose husband was said to be ill and not living at home—came out to find the youth standing on the steps of a brownstone at 15 Madison Street and tampering with a window. When he saw her he started to leave. By this time thoroughly frightened, Mrs. O'Reilly went back to her house and telephoned to the Classon Avenue police station. The men in the radio cars made a search, found nothing untoward and left.

Mrs. O'Reilly roused her son and Mrs. Nellie Wilson, a widow living on the second floor, and the three went to the basement. They were huddled there for a few minutes, talking over what had occurred, when they heard screams. The three ran next door to 19 Madison Street, a dwelling occupied by Fred Boode, 65, his son Fred Jr., 33, a city fireman, and their families.

The men seized flashlights and rushed up the stairs of No. 17. They called Miss Gray's name, received no response. The door was unlatched and they entered. On the side of the divan on which she slept in the living room they found her body. The foot of the divan was close to a window that led out to a fire escape.

Miss Gray had been stabbed deeply in the front and back of the neck and there were additional wounds about her face. Three knife slashes were visible in the blanket with which, apparently she had tried to shield herself from the attacker.

First of the police officials on the scene were Deputy Chief Inspector William T. Whalen, in charge of Brooklyn detectives, and Deputy Chief Inspector Patrick F. Kenny, in command of detectives of Brooklyn East. Retracing the slayer's movements, the officials found that he had stood up on a rail at the head of the stairs of No. 15, climbed up the roof of a small private garage and walked back along the top of this to the rear yard.

Here he had kicked open several slats of a fence between the adjoining houses and had entered the rear yard of No. 17. A drop ladder attached to the fire escape at No. 17 was pulled down. Up the fire escape he went to Miss Gray's living room, which he entered by opening the window.

The murder weapon had not been found last night, despite a wide search.

Miss Gray's body was identified by a nephew, Harold Gray, 25, of 885 East Thirty-eighth Street, Brooklyn.

Neighbors said the aged woman had been alone in the apartment since the death of a sister two years ago. Miss Gray lived on an old-age pension apparently just sufficient for her few needs. She was described as a slim woman who seldom left her home except to go across the street to the church or to a near-by grocery and meat market.

The apartment was neatly furnished and undisturbed. On a square table in the living room near the daybed lay a silver crucifix and rosary beads.

27h (1) 1948

North Carolina

7788

Scores All-White Jury, Gets Retrial

RALEIGH, N. C.—The State Supreme Court ruled here last week that the systematic exclusion of Negroes to jury service entitled Raleigh Speller, charged with the rape of a white woman, to a new trial.

The ruling of the court reverses a previous decision rendered by Judges J. Paul Frizell and Paul B. Edmundson on the same issue which decreed that the defendant was not entitled to have the indictment against him squashed.

YEAR-OLD BOY HELD IN 2 ATTACKS ON GIRL, 5

LOUISBURG, N.C. — A 14-year-old [illegible] was held for this week's grand jury session on two charges of [illegible] criminally attacked the [illegible]-year-old daughter of a neighbor [illegible] alleged attacks occurred [illegible] July and the second on Sept. 1[illegible]

Suspected Father In Jail Until Trial

13-Year-Old Child Kept His Identity 3 Months

MAN NEARLY 30

Sheriff Says State Will Not Force Issue

By DOUGLASS BARNETT

ROCKINGHAM, N.C.—The South's segregation laws are receiving one of the biggest "shakeups" as a white girl insists on keeping her three-month-old colored baby.

A brown-skinned baby was born to 13-year-old Bettie A. J. Howell, white, May 3, in a hospital in Hamlet, about 20 miles from here.

A spokesman in Richmond County Sheriff's office told the AFRO-AMERICAN, this week that "as far as we know Bettie Ann still has the baby. She says that she intends keeping it."

The sheriff's office had no plans of taking the baby away from its mother, against her will, it was learned.

Suspected Father Taken Away

Meanwhile, the AFRO was told, Horace York, 29, allegedly father of the baby is being held without bond on charge of criminal assault and carnal knowledge of a girl under 14 years of age. They would not reveal where he is being held but stated that he is safe and that his trial would probably come up in the fall term of court.

But what to do about Bettie and her baby is the problem that is immediately pestering officials.

According to State laws, the baby is classified as colored. White and colored folks cannot legally live together in this State—not even [illegible]

Newspapers Raising Issue

Officials are faced with a stubborn mother who loves her child as much as if he were "white."

Many would like to adopt a hands-off policy "and let her have the baby," but the newspapers have focused attention of the nation upon the Howell farm where this white girl is mothering her child.

At such a time when civil rights questions are shaking the South, much attention is being given to the separating of the mother from baby.

Several politicians are using the incident to scare white persons away from "civil rights political parties." But despite pressure, Bettie Ann is still holding on to her baby.

Protected York 3 Months

The child is described by Sheriff Carl H. Holland as a "brown-skinned, normal and healthy. It was delivered by Caesarian operation. The mother was born Sept. 4, 1934.

For almost three months Bettie kept secret from her stepfather and mother, Mr. and Mrs. Carlton Howell, the identity of the infant's father. But Sunday she broke down and named York.

Her parents then notified police and York was immediately arrested at Hamlet by Police Chief R. L. Hicks and turned over to Sheriff Holland of Richmond County.

Worked on Their Farm

York lived with his mother near Hamlet and formally worked on the Howell's farm.

Sheriff Holland said York, who first worked for the Howells in 1946 and again in 1947 on their farm four miles south of here on U.S. Highway No. 1, admitted that he had relations once with Bettie Ann in the summer of 1946 and again in August or September, 1947.

The mother and baby are living with her stepparents. The sheriff added that the baby closely resembles York.

THWART ATTEMPT HERE TO TURN NORTH CAROLINA NEGRO FUGITIVE OVER ON FAKED RAPE CHARGE

Cleveland Lawyer Stops Deputy With "Kidnapped Prisontr" As He Stops Sor Train Changt in Cincinnati

North Carolinians may show to tht world just how crude they are by pelting Henry A. Wallace, presidential candidate, with rotten eggs and over-ripe tomatoes, or show their disrespect for law and order in any hey please—in North Carolina, but when they come over their state line, and into the Great Stae of Ohio: Ah! That's a different story.

Justice, in a hurry stopped a souh bound deputy Tuesday night in Cincinnati just before he was to board a train for Henderson, South Carolina. With him was a Negro fugitive released earlier in the day by Cleveland.. police In order to stop what he called: the kidnapping of 45-year-old Ira Newton Costen, North Carolina Negro farmer, Paul W. Walter, Cleveland attorney, telephoned the law firm of United Statts Senator Robert A. Taft in Cincinnati. Tom Jones, a member of the firm got a writ of habeas corpus from Hamilton County Common Pleas Judge Alfrtd Mack.

The writ was in the Cincinnati Union Station when the deputy and the prisoner arrived there to change trains, en route to Henderson, North rarolina.

The writ was served despite the deputy's protest and Coston was plactd in County jail. A hearing on the writ was to be held at 9 a.m. Uednesday. Attorney Walter was on his wayto Cincinnati to defend Coston. The deputy said he woud stay over to try o akt Coson "back home" to face a charge of assault with attempt to rape, pending in Henderson County, North Carolina.

Walter charged that police, deputy sheriffs here and even federal officers "helped to hand this man over to deputity sheriffs of North Carolina, violating his rights to a hearing as guaranteed by Ohio law.

Coston, in 1947 was leaning on the mailbox in front of his small farm home when a 17-year-old white girl, dressed in jeans and smoking a cigarette, walked down the road, Walter said. The farmer asked the girl if she or her friends woud want to pick green beans on his farm. The girl refused. Soon after, Coston was warned that the community was demanding he be charged with an assault, and he fled to Lorain to his mother's home. Hendtrson County authoritits chargtd Coston wih assault with attempt to rape. They obtained a federal warrant rharging him also wih fleeing justice. On that warrant he was arrested by FBI men, who lodged him in County jail here. Walter appeared with him in United States Commissioner H. A. Hornes office Tuesday. There Walter argued him free by pointing out that the federal fugitive statute doesn't apply o cases in which here is no indictment and the man is chargedwith such an offense as was used against Coston.

But Chief Deputy Sheriff Joseph F. Sweeney took Coston back to County jail. Walter went back to County jail only to find that Costen had already been handed over to North Carolina's deputy Sam Rhodes of Hend[illegible]. It turned out that a fugitive charge was pending in Municipal Court also. So free on the federal charge, Coston was a city prisoner.

Detective Anthony J. Balzer, who handles fugitive cases requisitioned Coston ont of County jail and turned him over to the North Carolina deputy. Balzer said later that Municipal Judge Sweeny had said he should deliver the prisoner when the out-of-stat deputies came here to get Coston. Walter said that he hadnotbeen notified of any state charge and that Coston, by law must have 80 day's notice to file a plea for a writ of habeas corpus.

"A judge has no right to turn a man over without a hearing," Walter said And this Detective Balzer overstepped his rights. These people conspire to use that federal fugitive law as a cheap way to capture their prisoners, and the federal men help hem to use the law that way. I'm going to tell them all that someone is going to have some trouble. Turning out a man without a hearing is punishable by a fine of $1,000 under Ohio law." Walter [illegible]

Three Negroes Held; Assault Charges Filed

NEWBERRY, Feb. 16.—Charges of criminal assault upon three white Industrial School girls were filed today against a trio of Negro men all over 21, now held in the Newberry county jail, Sheriff Ben Dawkins said today.

The three listed as J. W. Dreher, R. C. Hyler and Mason Benson, were arrested last Tuesday in Newberry, after they had allegedly given four white girls, escaped from the State Industrial school near Columbia, a ride.

Magistrate L. W. Graham said that the warrants charged assault upon only three of the girls.

All three of the arrested men live in the Dutch Fork community, near the Broad river bridge. Benson was employed at a filling station there and the other two were part-time helpers at a store in the community. Dreher was listed as the driver of the car.

The escape of the girls occurred at some time on January 6 or 7, but the matter was not made known until last week. The case came out when families of the three men, with Harold R. Boulware as attorney, sought to bring habeas corpus proceedings. The four girls have been returned to the school.

Sheriff Dawkins said today that no plans have been made to remove the youths to the state penitentiary. Attorney Boulware said that a preliminary hearing would be arranged as soon as possible.

Police Chief Frowns On Rape Rumors In Chester, S. C.

CHESTER, S. C.—(SNS)— The tension of Southern prejudices against Negroes was clearly exemplified here Saturday when even the Police Chief of the town looked upon it with disfavor.

The Police Chief, E. L. Bostic, had announced that two Negroes suspected of raping two white women were being sought. A posse of 25 white men was organized and with the aid of bloodhounds directed [illegible]

After a thorough investigation, the Police Chief said he learned all that happened was that an unidentified Negro had made an uncomplimentary remark to a white woman. This started a wave of which he said was "mostly propaganda."

The two arrested suspects were released from jail.

7790

Suspect Captured Three Years After Assault In Camden

CAMDEN, Sept. 22—Over two years after he had fled following an alleged criminal attack on a seven-year-old Negro girl, Tom Chesnut, 35-year-old Negro man, is in the custody of Sheriff Gib DeBruhl and will be tried at the general sessions court term in October for the offense.

Chesnut's arrest came Saturday at midnight when Sheriff DeBruhl and Deputy Sheriff Hilton found him in the Dan Anderson roadside grocery store five miles from Lugoff on State Highway 26. The officers were on a routine prowl, stopping at roadhouses, stores and filling stations.

Walking into the Anderson place, the sheriff saw Chesnut and placed him under arrest.

The assault on the tiny child occurred on August 3, 1946, in what is today the Colonial store parking area. A warrant for the arrest o fChesnut was issued by C. B. Blyther, who was magistrate for DeKalb township at the time.

Police Continue Search For Negro After Attack

The search for the Negro man who criminally assaulted and then stabbed a white married woman of the Olympia section at her home, continued with unabated forces this afternoon 24 hours after the attack.

Officers combed the entire area and nearby areas for any possible clues leading to identity of the attacker.

Questioning was continued of persons who were in that section yesterday and who might be able to throw some light on the case.

This afternoon's search followed on the heels of a hunt that was carried on throughout the night and this morning.

"The search will continue until we find him," grimly remarked Sheriff T. Alex Heise.

"It was a brutal case," he added.

Several suspects have been seized since the search began, but were released after qustioning.

Description Of The Man

As near as can be determined by description given of the man by the woman and her 11-year-old daughter, the Negro is between 25 and 30 years of age; medium size; definitely left-handed; was neatly dressed wearing a light blue shirt, possibly with stripes; khaki-colored trousers; tan shoes; and a round shaped face.

In the hunt and taking a most active part, Sheriff Heise said, were state constables assigned on request made to Chief Joel D. Townsend, and including Lt. J. D. Watson, Lt. J. P. Strom, Officer Gambrell and others. The sheriff said they worked tirelessly in co-operation with the full force of Richland men, Cayce police and police here.

Bloodhounds were used for seven hours, following the trail taken by the man.

Announced His Purpose

Sheriff Heise, who questioned the woman at the Columbia hospital where her condition was described as "fair," after she received several transfusions and oxygen, said she was asleep in bed at her home at the time the Negro apparently saw her through an open bedroom window and entered the home.

She was wakened and he announced his intention of attacking her, and paid no heed to her pleas to go away, Sheriff Heise said.

Then upon he completed the attack.

At that point, the woman's little girl, who had gone to the mailbox, returned and he forced her into bed.

The Negro then announced, the sheriff quoted the attack victim, that he was going to leave his mark on her (the woman) and drew his knife.

He then stabbed her in the arm, breast, neck and back. One knife plunge penetrated the chest cavity.

After taking around $1 he found in the home and after the knife attack, the intruder fled out the back door.

Girl Flees

The little girl, who had fled the home, had called for aid and the woman then staggered from the home, and was given aid by a motor-scooter rider. She was then rushed to the hospital in an ambulance.

The woman's daughter first saw the Negro man when she had left the home to go nearby and get the mail.

When the mail man left, the little girl said she returned home and went in the house and there was the Negro who had met her when she was going for the mail.

She quoted him as saying, "Hey, little girl

"He was making mama pull down the windows. When she got the windows down he made us get into bed and took out his knife and opened it.

"I asked him what he wanted and he said 'Have you got any money?'

(All the money he found was in the woman's pocketbook.)

"He drew back and cut her (mama) and she knocked his arm and told me to go for help.

"He grabbed me when I got to the bedroom door, and mama got him lose from me. And then I went out to go for help up the road. I heard mama yell for help."

The woman is a plant night worker and normally got her rest in the daytime.

She was sound asleep at the time the intruder entered her home, she told the sheriff.

The woman's daughter said the man was apparently wearing greenish colored gloves, and on the bed there were marks of that color, apparently from greasy gloves, or greasy hands, the sheriff said.

an gave this account to James Tindall, publisher of the Chester Reporter.

Her daughter, 27, and the mother of five children, was walking home about 10:30 a. m., today. She was alone. As she moved along a narrow path, a Negro, about 30, approached her and made advances. She raced quickly to her mother's home about 100 yards away.

The woman's older sister, 33, took a gun and started to the spot where the Negro last was seen. As she approached it, a man's voice sounded from the bushes:

"What yo' fixin' to do?"

Going To Shoot

She replied:

"I'm going to shoot you, if I see you."

She then heard somebody running away.

The incident was reported to officers. Word spread.

Officers arrived. Civilians followed. Many of the latter went to the scene following a stump speaking by five candidates for the Democratic United States senatorial nomination. Officers said many of them were curiosity seekers.

Negro Sought For Molesting White Woman

CHESTER, July 22 — (AP) — A crowd of approximately 200, including officers with bloodhounds, searched today for a Negro suspected of making improper advances to a young white housewife.

Police chief M. E. Chandler of Chester said that the crowd became orderly after high feeling had been shown for an hour or so.

More than 30 officers, among them city and county officers and state constables, succeeded in removing weapons from some members of the crowd.

Scores of persons rushed to the scene when word spread of the allegedly obscene advances the Negro made to the woman in a woods in the Gayle Mill area.

One Negro was jailed on suspicion. Officers said they were fairly certain he was not the man. He was held for safe-keeping, they added.

The mother of the white wom-

7791

Supreme Court Grants Negro New Trial

The state Supreme Court ordered a new trial today for a Florence county Negro convicted of criminal assault and sentenced to death.

Coker Taylor, about 30, had appealed from the conviction and sentence. He is alleged to have attacked a young white married woman in August 1946.

Taylor's appeal was based on the contention that the lower court should have granted a motion for a new trial. The evidence was insufficient to support the verdict, his attorneys claimed.

The Supreme Court held that testimony involving the identity of the woman's attacker was "inadmissable and highly prejudicial."

7792

Lexington Assault Trial Is Thursday

LEXINGTON, Sept. 15—A Lexington County Negro will go on trial tomorrow charged with a criminal assault at West Columbia for which two other men had been held in jail for almost two months.

Matthew Jamison, Jr., identified by Solicitor Jeff D. Griffith as the man who, officers said, confessed [illegible] after being apprehended for housebreaking near the scene of the first crime, more than two months later, is being held under heavy guard.

Meanwhile, the two other men, whom officers had picked up near the spot where the assault was committed and charged with the attack, have been released.

According to the story of the men who had been held, as told by officers, they met at a predetermined spot near the Guignard brick works the night of July 5 after having made individual trips to the northern part of the state.

When they arrived an assault already had been completed on a young woman, one of four passengers in a parked automobile, and the men were immediately taken into custody and later charged with the attack.

In the last week of August, however, Jamison was picked up by officers for housebreaking in West Columbia and he later admitted the July assault, Sheriff Henry M. Caughman of Lexington said.

Caughman said that witnesses to the assault insisted only one man participated in the attack, but the appearance of the pair on the scene after the crime led officers to believe that two had taken part in the crime.

7793

High Court Grants Reviews for Pair

The Courier
(27h(1))

WASHINGTON — The Supreme Court has agreed to review the conviction of Gaither Lovelady, Lexington, Tex., and Samuel Taylor, the latter convicted of rape. Lovelady was convicted of slaying a town official. Taylor claims an extorted confession and Lovelady appealed on grounds that Negroes were barred from his convicting jury.

7794

Defendant In Rape Case Indicted

Man Accused of Rape Of 9-Year-Old Girl

Journal & Guide, Norfolk, Va
27h(1)

NEWPORT NEWS—A true bill was returned against James King, 30-year-old resident of 1233 31st street, by a grand jury in City Corporation Court here July 12 following a lengthy hearing on charges of criminally attacking and raping a nine-year-old girl in the rear of the Booker T. Washington School last Saturday night. Sat. 7-24-48

The victim of the attack is a patient at Whittaker Memorial Hospital where officials said on Wednesday that she was in fair condition.

Meanwhile, Detective Captain W. F. Peach informed the Journal and Guide Wednesday morning that no date for a hearing in the case had been set pending the time when the girl can appear as a witness.

According to Captain Peach the victim, whose parents live at 1008 40th street, had been riding her bicycle between 6:30 and 7 p. m. when King appeared and pulled her from the seat.

He allegedly threatened the girl with a knife, and twisted her arm. He then half-carried, half-dragged her into some bushes behind Booker T. Washington School, the detective captain said. Then, while the child screamed and cried, the detective said, the man criminally assaulted her. Sat. 7-24-48

The attacker ran away, and was arrested about 6 p. m. after an investigation by Detective Lt. J. F. Spivey and Detective Sgt. G. A. Stratton. The detective captain said King was arrested in the 3000 block of Chestnut avenue. His clothes were bloody when he was taken in custody and carried to police headquarters for questioning.

JAMES KING

Details Of Sex Killing Are Bared

Journal & Guide, Norfolk, Va
Sat.

Confession Made By Johnnie James Cited At Trial

8-7-48

By James N. Rhea

NORFOLK — Johnnie James, 31, stood calmly before Judge R. B. Spindle Jr., in Corporation Court No. 1 Thursday and placed himself squarely in the shadow of the electric chair by pleading guilty to the rape and murder of Lonnie Coreen Lovell Daniels in a vacant lot on Goff street in the early morning of June 10.

A capacity crowd of spectators, mostly women, heard Judge Spindle tell the accused that by entering the guilty plea he was subjecting himself to a possible death penalty.

Such a plea in no way alters the usual procedure of hearing all relevant testimony. Under the laws of Virginia, the testimony is heard so that a probation report, substantiating all facts, may be made out prior to the sentence, which will not be passed immediately after the trial.

Journal & Guide

Guide Photo Figures In Murder Trial

NORFOLK — On Friday, June 11, Johnnie James and his roommate at Seaview Beach, Joe Smallwood, exchanged comments on the picture of the murdered woman in the June 12 Journal and Guide Home Edition, Smallwood testified at James' trial.

He said that James had tried to point out certain details which were not clear in the picture.

Rape-Murder Suspect Enroute To Trial

Journal and Guide Sat.

Johnnie James is shown in the custody of Deputy City Sergeant George E. Traver, as he arrived at Corporation Court Thursday morning, July 29, to go on trial for his life on charges of rape and murder. He pleaded guilty to the charges in which Mrs. Lonnie Corine Daniels was the victim. 8-7-48

CROWD HAD TO BE THINNED OUT

Before the trial could get underway, the crowd had to be thinned out. The spectators had filled every bench and all available standing room. The judge ordered all out, and then let them enter until the seats were filled, with relatives and those with public interest getting priority.

Dr. C. D. J. Macdonald, city coroner, the first commonwealth witness, established identity of the murdered woman and described the nature of the crime. He told of bruises on the woman's neck and face. Specifically, he mentioned a three and a half inch mark on the neck, a swollen left jaw, and three facial identations. Death was caused by strangulation, he testified.

CONFESSION READ BY POLICE OFFICER

In a confession alleged to have been made by James and read to the court by Detective Sergeant L. L. Jones, the defendant admitted that he got off the bus at Princess Anne road and Wide street with the victim and went with her to Church street, and then to the vacant lot, where he admitted having had intercourse with her after a struggle.

According to the confession, he said that he choked her while holding her prone on the ground, and that she had a stick, which he took from her. He said he does not remember whether he stuck the stick in her or in the ground. When he left her, he said, he did not know she was dead. Norfolk, Va.

The defendant also confessed according to Detective Sergeant Jones, after the crime was committed he left the scene and went to the Manhattan Taxicab Stand on Brambleton avenue and hired a cab, in which he returned to the beach.

SOUGHT TAXI ABOUT 2:30 A. M.

The driver who took James to the beach was not identified in court. Moses Washington, however, testified that James had approached his taxi about 2:30 a. m., but had not been accommodated because other fares had priority. The driver told the court, in answer to the judge's question, that it was less than a half mile from the taxi stand to the scene of the crime.

MRS. PORTER TELLS OF FINDING BODY

Mrs. Lucille Porter, 818 Goff street, testified that she discovered the body about six o'clock on the morning of June 10 in the lot adjacent to her home, and telephoned police. She said the girl was lying near clothes balled up beside an automobile. The witness said she had looked out the window after hearing someone in the street ask: "What is that in the lot?" Sat.

Detective Sergeant Leon Nowitzky identified a red cap, dungarees, and other articles of clothing worn by the victim on the night of her death. 8-7-48

Officer Nowitzky said that he had found a letter addressed to one Joe Smallwood among the girl's possessions. Later Smallwood, 38, Seaview Beach employee who had shared a room with James, testified that the victim had snatched the latter from his hand on the afternoon of July 9 at the beach.

WITNESS TELLS HOW HE MET GIRL

Smallwood testified that he met the girl for the first time when the approached him at the beach

Mrs. E. Daniels, the victim's mother, testified that she had come to Norfolk from her home, Route 7, Roanoke, to claim the body. The murdered woman had been married and divorced, her mother said in explaining the confusion in

me in while Smallwood ng relations with her. hout this damaging testi- mes sat with a blank ex- on his face. At times, he ound the courtroom as if ot quite certain what was Once or twice he seemed nervous, however, and to his court-appointed duties are at Seaview Beach, testi- Morris Gutterman, Norfolk lawyer. Morris Gutterman, Norfolk, Va

again came in was having rel Throughout whispered to a little mony, James s asked for a cigarette. Later, after he had bought her a chicken sandwich and had given her a drink, he told the court, he had sexual relations with her at the room which he shared with James. James came into the room, the witness said, while he was with the girl. Later, the three of them drank together. After this, Smallwood testified he again took the girl to the beach woman to his room and James looked around and he were not quite going on. Once

VICTIM'S MOTHER TESTIFIES

Seaview Beach on June 9 and that he had kept an eye on them because they appeared as if they had been drinking.

McNeil said that he had kept Smallwood, who had been drinking, from taking the last bus to Norfolk. Other witnesses, including Police Officer Charles E. Williams, also of the Seaview detail, testified that this was the bus on which James and the Daniels woman returned.

VICTIM "SEEMED IN A HURRY"

An acquaintance of the victim testified that she got off the bus with the victim at Princess Anne road and Wide street, but did not speak to her because she "seemed in a hurry." The witness identified the slain woman's picture.

Herbert Coleman, another commonwealth witness, testified that he knew James and the victim by sight and that he saw them get off the bus at Princess Anne road and Wide street about 12:30 June 9. He said the woman was cursing James, who followed her down Princess Anne road.

George Smith, a merchant, testified that Corene Daniels had once roomed at his house and that she yelled at him about 2:30 a. m. June 10 when he was driving his car down Goff street to his store.

He said the woman was standing back on the sidewalk and that she called his name. He thought that she wanted to ride, but he did not stop he said. A man stood about 10 feet in front of the woman, the witness said.

Murder Indictment Also Returned Against Boykins

NORFOLK—A true bill of indictment was returned by the July Corporation Court grand jury here Tuesday against Johnnie Edward James, 31, who is accused of the rape-murder of a 21-year-old girl in a field on Goff street some four weeks ago.

James is scheduled to be brought to trial in Corporation Court on July 19.

The crime that James has been indicted for is doubtless one of the most disastardly acts listed in the local annals of crime. He is charged with raping, then slaying and ghoulishly mutilating the body of Miss Corine Jordan Daniels in a field in the 800 block of Goff street on June 10.

James was arrested some 24 hours later as the result of an extensive investigation by the local detective bureau with Detective Sergeants Leon Nowitzky, L. L. Jones and E. M. Towe in the forefront.

When James was arrested, he admitted having been in the field in which the naked body of the victim was discoverd by a nearby resident. He told officers that his mind had "blanked out" and that he did not remember what happened. His appearance in Police Court the day after his arrest was delayed while he signed a statement in homicide headquarters at Police Headquarters.

When ushered into Police Court, he rapidly indicated that he wished to waive preliminary hearing, and was confined in the local jail until the grand jury went in session Tuesday. Following the indictment, he was returned to jail denied privilege of bail.

Police officials advised the Journal and Guide shortly after James' arrest that they had a "foolproof" case against him. It was also revealed that he had been questioned in connection with a similar rape-murder which occurred in the same vicinity in February. No charge, however, was preferred in the first case.

SHOCKING CRIME

The lurid details of the death of Miss Daniels were found in part unfit to print. Local crime files fail to reveal another case in which such degenerate and repulsive acts were commited, and the very nature of the crime created much excitement and indignance in the vicinity in which it was committed.

When James was taken by detectives to the scene of the crime for a re-enactment, he was identified by several persons as the man seen in the vicinity near the time that the crime was committed.

If James is found guilty as charged when his trial comes up July 19, he will face possible execution, the supreme penalty in the State for murder.

Also indicted for murder was Charles Andrew Boykins charged with the fatal shooting of Herbert Richardson, at 817 Smith street June 17.

Hughes Indicted By Grand Jury

NORFOLK—A grand jury returned an indictment against Elwood T. Hughes in Corporation Court Part II July 6 on a charge of housebreaking and rape.

Hughes has been under a $500 bond since Saturday, June 12, when he was released formally of [illegible] entering the home of a young married woman in Liberty Park and raping her between 1:30 and 3 a.m. June 8.

Johnnie James Is Indicted

JOHNNIE JAMES

Court Upholds Decision Imposed In Rape Case

RICHMOND — An attempt to appeal the conviction and life sentence given Richard Daniel Brown, failed Thursday as the Virginia Supreme Court of Appeals refused to intervene in the case.

Brown, a resident of Amelia county, was convicted on charges of raping a white woman last August. The Supreme Court held the trial court's verdict to be plainly right.

JUROR DISMISSED

Counsel for Brown based their principal plea on the trial court's action in dismissing a Negro from the jury panel brought in to try the case. The juror was dismissed on the grounds that he appeared somewhat unwilling as to whether he would vote for a death sentence, according to the judge; although after examination by the defendant's attorneys, he finally admitted that he would have no objection to voting for the death sentence in a "proper case."

Following dismissal of the juror, a panel of 16 white men and four Negroes was established. The Commonwealth then challenged the four Negroes and Brown was tried by an all white jury.

Counsel for the defense contended that Brown's constitutional rights were violated by the court's decision on the first prospective Negro juror. It is also argued that the state police used force to obtain a confession from Brown and that the confession was improperly introduced at the trial.

7795

400 Pastors Gather On Steps Of Capitol

The Chicago Defender
Sat. 1-17-48

WASHINGTON, D. C.--With a formal escort of mounted policemen, 400 clergymen, representing seven million church members in 24 states, conducted a "Prayer March" here Wednesday in a plea for the civil rights of all citizens.

Sat. 1-17-48

The march was headed by the Rev. W. H. Jernagin, director of the Washington Bureau of the Fraternal Council of Negro Churches in America; T. E. Huntley field secretary of the "Prayer March" and E. L. Harrison.

POLICE ESCORT

The police escorted the ministers from Mt. Carmel Baptist church to the capitol steps where, two hours later, President Truman entered to deliver to the nation's legislators His address on the "state of the union."

"O, God Our Help In Ages Past, Our Hope For Years To Come" launched the ceremony, with a capital city audience joining in the singing. From each of the 24 states a sentence prayer was given followed by a general prayer by all.

The ministers pointed out that the appeal was made in the interests of all ill-treated groups and had no political connotations. They hope for passage of federal laws against lynching and for an FEPC.

"PRAYER DAY"

Greetings were extended by both major political parties. Emphasizing the nature of the march which climaxed national prayer day over the nation, President Mordecai Johnson of Howard university spoke over radio station UBC during the afternoon.

Bishop J. H. Claborn is president of the Fraternal Council.

7796

"Raped And Strangled," Coroner Rules In Brutal Sunday Slaying

NORFOLK — Freddie Lee Reed, 38, who was found dead in a muddy open lot bordering on Henry and Landing streets about 8:35 a. m. Sunday, was unquestionably "strangled and ravished by a party or parties unknown at this time to the coroner," Dr. C. D. J. Macdonald, city coroner, ruled Tuesday. No arrests have been made so far.

The body, lying about 100 feet south of Landing and 25 North of Henry, was reported to Patrolmen Lewis and Cooke of the Second Precinct by Columbus Howard, 53, 1116 Monroe street, who said that he had discovered it while passing on his way to a store.

The victim, dressed in a checked skirt pushed up to about midway her thighs, a blue short coat, and a green sweater, a part of which had been torn away and stuffed into her mouth, lay with her feet pointed toward Henry street. Her right shoe was off, and a pair of boots were near her left foot.

GREASY-LOOKING SMUDGES

About her throat were greasy-looking smudges, and slight bruises were on her left cheek and underneath her lower lip. Investigating officers said knee prints were in the ground between her legs, and named signs indicating "rape and murder beyond doubt." A paring knife was found nearby, but the woman had not been cut.

The body was not identified at the scene of the crime, but after it had been removed to a funeral home.

No one in a large crowd that had gathered while authorities were making their preliminary investigation knew the victim, although a few "thought they had seen her some place."

[redacted] had rushed to the [redacted] he had seen her at an address on Chapel street and that he thought he knew her parents. An immediate check by police showed that the man was mistaken.

BELIEVED TO HAVE SEEN VICTIM

Another on-looker, Johnson T. Johnson, 1138 Landing street, said that he had seen a woman with a skirt resembling the victim's quarreling with a man in the alley behind his (Johnson's) residence between 2 and 3 a. m. Sunday morning. He said the woman was saying something that sounded like:

"Give me my money!"

It seemed that she was following the man, he added, continuously asking for "her money back."

Near her left hand, which gripped part of the sweater that had gagged her, was a penny.

Coroner's Investigator Leon Nowitzky said that the woman had probably been dead since near 2 a. m. In addition to Nowitzky, investigators were Homicide Detectives Jones and Tyler. Officers Lewis and Cooke, to whom the case had been reported, assisted at the preliminaries.

The body was taken to Hale's Funeral Home. Arrangements were being made to have it shipped to Washington, N. C., it was learned.

White Seaman Held On Attempted Rape Charge

PORTSMOUTH — A white sailor was accused by a 16-year-old Negro girl here Saturday of kidnapping and attempting to rape her. The allegation was made to police officers of the city.

The sailor, Theodore Leroy Gallagher, 20, attached to a ship at the Naval Shipyard, was taken into custody Saturday night by local detectives and placed in the city jail in lieu of bond.

The accusation and subsequent arrest of Gallaher came about when the girl told detectives that as she was walking along Rodman avenue about 9 a. m. on Saturday morning, a sailor drove up and with use of a "flare gun" forced her into the automobile he was driving.

MADE OVERTURES

According to reports, she was taken to the Bowers Hill section of Norfolk county, where, detectives quote her as saying, the sailor forced her to remove some of her clothing.

Passing traffic, she said, diverted the attention of the sailor, whereupon she jumped from the automobile and fled to a nearby house where she borrowed money to return to downtown Portsmouth.

Upon arrival in the city, she reported the incident, and the local police officers stayed on the lookout for the would-be rapist until his capture Saturday night.

A hearing in Portsmouth Police Court was scheduled for the sailor.